

# Colorado Sex Offender Management Board

## CRITERIA, PROTOCOLS AND PROCEDURES FOR COMMUNITY NOTIFICATION REGARDING SEXUALLY VIOLENT PREDATORS



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# INTRODUCTION

In 1992, the Colorado General Assembly passed legislation (Section 16-11.7-101 through Section 16-11.7-107 C.R.S.) which created the 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 (hereafter SOMB) in 1998 to more accurately reflect the duties assigned to the SOMB.

In 1999, the Colorado General Assembly passed legislation (Section 16-13-901 through Section 16-13-905 C.R.S.) which mandated community notification regarding certain sexually violent predators (see Definitions, page 9).

The Colorado General Assembly directed the Sex Offender Management Board, in collaboration with the Department of Corrections, the Judicial Department, and the Parole Board, to establish:

- P Criteria to apply when determining whether to petition the Parole Board or the court for a determination that a sexually violent predator is subject to community notification.
- P Criteria to apply by a local law enforcement agency in determining when to carry out a community notification
- P Protocols and procedures for carrying out community notification

Community notification, or the release of relevant information about sexual offenders to law enforcement, public and private entities and the general public, is intended to increase public safety and enhance strategies for crime detection and prevention. The intent of community notification is to reduce risk to the community. These criteria, protocols and procedures address how and when communities should be notified regarding sexually violent predators that the courts or Parole Board determine are subject to community notification.

In establishing the criteria, protocols and procedures for carrying out community notification, the General Assembly wanted to ensure that the notification is provided in a manner that: 1) is as specific as possible to the population within the community that is at risk; 2) includes general information and education concerning sex offenders, including treatment and supervision of sex offenders; and 3) attempts to minimize the risk of vigilantism. The highest priority of the criteria, protocols and procedures is community safety.

The court and the Parole Board should use these criteria to assist in making decisions as to whether community notification regarding a specific sexually violent predator could increase public safety. Supervising parole and probation officers and treatment providers should utilize these criteria in making recommendations to the court and/or the Parole Board regarding the possible need for community notification.

These criteria do not stand alone. The SOMB has developed Standards to establish a basis for the systematic management and treatment of adult sex offenders. While developing those Standards, Guiding Principles were established which formed the philosophical foundation of the Standards. These Guiding Principles are also relevant in the development of criteria for community notification regarding sexually violent predators. The community notification criteria, protocols and procedures are based on a governing philosophy of public safety. The Guiding Principles developed by the SOMB are listed in Appendix A.

The SOMB and the Division of Criminal Justice (DCJ), have established a Community Notification Technical Assistance Team to provide assistance to local law enforcement agencies in carrying out community notification. The technical assistance team includes individuals with expertise in sex offender management, sex offender supervision, and law enforcement.

The technical assistance team is also available, upon request through the local law enforcement agency, to assist communities in providing general information and information concerning sex offenders (such as treatment, management and supervision). This assistance may be provided in situations that are not related to community notifications regarding a specific sexually violent predator.

Community Notification does not affect current notification practices to victims of crime. Victims who register in the Post-Sentence Victim Notification Program will be notified of an offender's status. This includes any crime which is listed in the Victim Rights Act and includes both sex offenses and other crimes in addition to those that may qualify an offender as a sexually violent predator.

It is the SOMB's intent to ensure that the Guiding Principles regarding community safety and victim's rights to safety and self determination are clearly implemented in the community notification process.

Consequently, it is important to note that every effort should be made to protect the privacy and prevent the re-victimization of any victims of sexually violent predators subject to community notification. It is imperative that no direct or indirect identifying information regarding the sexually violent predator's victims be released as a part of this process. Additionally, every effort should be made to appropriately notify victims residing in the community prior to any notification process. Requirements regarding victim notification when community notification is carried out are included in these criteria.

**There are many intended benefits of community notification which are the basis for these criteria, protocols and procedures.** Some of these include:

- P Public safety.** Knowing that a person with a history of sexual abuse behavior lives nearby, citizens can better protect themselves, their children, and their neighbors' children.
- P The right to know.** Community residents, and parents in particular, have the right to know if a potentially dangerous person is living in their neighborhood
- P Increased surveillance and supervision.** Community notification alerts convicted offenders that the larger community, not just the criminal justice system, is monitoring them.
- P Communication among community groups.** Community notification can increase collaborative efforts among community members and between community members and law enforcement to promote public safety through the sharing of information and education.
- P Treatment tool.** Overcoming denial is an important element of intervention with sex offenders. Community notification may serve as an external control that limits the offender's ability to live in secrecy. The fear of increased public exposure may encourage the offender to comply with treatment conditions.

**In addition, there are potential negative consequences of community notification that these criteria, protocols and procedures attempt to minimize.** Some of these include:

- P Possible identification of victims** through the community notification process. This is especially risky when victims are related to or known to offenders. In addition, community notification in

communities when the offender's victim or victims reside may lead to secondary victimization of the victim by the process.

- P Unofficial dissemination of information** resulting in 'notification' beyond that which is authorized by state law.
- P Development of an unwarranted sense of community safety or complacency.** Notification can lead citizens to believe that they are aware of all sex offending risk once they have been notified regarding convicted sexually violent predators. In fact, research has shown that approximately 85% of all sexual assaults are never reported and that the greatest risk for both women and children is from potential offenders who have never been identified by the system and who they already know and trust (Rape in America, National Victim Center, 1992).
- P Unintended negative consequences** may include increases in plea bargaining to lesser offenses to avoid the sexually violent predator determination, lack of compliance with offender registration requirements and the possibility that some offenders will go underground to avoid notification. The process can be burdensome and time consuming for local law enforcement and local teams when they are not adequately funded. Local law enforcement may have difficulty de-notifying and re-notifying communities when offenders move. Also, there is the risk of innocent citizens being misidentified as offenders due to previously or inaccurately released address information.
- P** The risk of **vigilantism or harassment** of offenders or their family members due to notification. Like other materials developed by the SOMB, these criteria, protocols and procedures are based on the best practices known today for community notification. Existing best practices, the limited research available and case law from around the country have been reviewed in developing these criteria.

However, the SOMB recognizes that community notification is a new and emerging practice throughout the country. The SOMB is also aware that the five month time frame allowed for the development of these initial criteria, protocols and procedures is relatively short for statewide policy development. Consequently, **the SOMB is making a commitment to continue to gather feedback from implementers around the state and to re-evaluate and possibly revise these criteria, protocols and procedures after the first year.** Additionally, the SOMB will continually remain current on the emerging literature and research and will modify these criteria, protocols and procedures periodically on the basis of new and relevant findings.

Finally, it is important to note the limitations of these criteria, protocols and procedures. The group of offenders who is subject to notification is narrow. They are limited first by their conviction crime, then by their relationship to their victim or victims and then by the outcome of the risk assessment or mental abnormality portions of the Sexual Predator Screening Instrument. While research conducted by the Division of Criminal Justice indicates that these offenders are, collectively, at high risk for possible re-offense, they do not represent all dangerous sex offenders. Other offenders who may be dangerous, but who are not, by law, subject to community notification include all un-convicted and un-identified sex offenders, all sex offenders convicted prior to July 1, 1999 and all sex offenders convicted of crimes other than those used to potentially identify sexually violent predators. Consequently, citizens may view community notification as one tool which will assist them in being safe from sexual assault in their communities. **Under no circumstances should citizens assume that these criteria, protocols and procedures are a complete or substantial deterrent to sexual assault in their communities.**

Questions concerning these criteria may be addressed to the Sex Offender Management Board at the Division of Criminal Justice, 700 Kipling St., Ste. 1000, Denver, CO 80215 or by phone, 303-239-4442.



## LEGISLATIVE INTENT

In 1999, the General Assembly recognized that a small percentage of persons who are convicted of offenses involving unlawful sexual behavior and who are identified as sexually violent predators (SVPs) may pose enough of risk to the community that persons in the community should receive notification concerning the identity of these sexually violent predators (SVPs).

The General Assembly also realized the high potential for vigilantism that often results from community notification and the dangerous potential that the fear of such vigilantism will drive a sex offender to disappear and attempt to live without supervision.

The General Assembly decided that sex offender notifications regarding statutorily identified sexually violent predators (SVPs) should only occur in cases involving a high degree of risk to the community and should only occur under carefully controlled circumstances that include providing additional information and education to the community concerning supervision and treatment of sex offenders.

The community notification statutes create a process by which information can be shared with the affected community.



# CURRENT NOTIFICATION LAWS

On and after December 31, 1999, a sexually violent predator (SVP) may be subject to community notification pursuant to criteria established by the Management Board pursuant to section 16-13-904 (Section 16-13-903 (1) C.R.S.)

The Department of Corrections or a sexually violent predator's (SVP's) supervising probation or parole officer shall apply the criteria developed by the Management Board to determine whether grounds exist for making the SVP subject to community notification. If the Department of Corrections or the supervising officer determines that such grounds exist, the Department of Corrections or the supervising officer shall petition the Parole Board or the court, whichever has jurisdiction over the SVP, for a determination that the SVP is subject to community notification. (Section 16-13-903 (2) C.R.S.)

If the Parole Board or the court determines that the SVP is subject to community notification, the Department of Corrections or the SVP's supervising officer shall notify the local law enforcement agency for the jurisdiction in which the SVP resides or plans to reside upon release from incarceration. The local law enforcement agency shall notify the Colorado Bureau of Investigation, and the SVP's status as being subject to community notification shall be entered in the central registry of persons required to register as sex offenders pursuant to Section 18-3-412.5 (6) C.R.S.. Sexually violent predators (SVPs) must register quarterly rather than annually. (Section 16-13-903 (3) C.R.S.) Statutes concerning community notification regarding SVPs do not affect the statutory duty of sex offenders to register with local law enforcement agencies.

The Department, the Parole Board, and any person employed by the Department or the Parole Board shall not be liable for any act or omission committed in implementing the provisions of this part 9 so long as the act or omission is not grossly negligent or committed willfully and wantonly. (Section 16-13-903 (4) C.R.S.)

The local law enforcement agency for the jurisdiction in which a sexually violent predator (SVP) who is subject to community notification resides shall be responsible for carrying out any community notification regarding said SVP. Such community notification shall only occur under the circumstances and in the manner specified by the Management Board pursuant to Section 16-13-904. The local law enforcement agency may apply to the Division of Criminal Justice for assistance from the technical assistance team in carrying out any community notification. (Section 16-13-905 (1) C.R.S.)

Any local law enforcement agency, and any employee of the law enforcement agency, shall not be liable for any act or omission committed in carrying out community notification so long as the act or omission is not grossly negligent or committed willfully and wantonly. (Section 16-13-905 (2) C.R.S.)



# PURPOSE OF COMMUNITY NOTIFICATION

**Prevent crime** by notifying community residents of sexually violent predators (SVPs) living in their neighborhoods. Because sexual offenders pose a continuing risk of committing sex offenses while in the community, notification laws are based on the assumption that notifying neighbors about sex offenders living near to them will help prevent further sexual assault. Protection of the public, including former victims, from sex offenders is a paramount interest of the entire criminal justice system.

**Assist law enforcement** by providing police with additional information regarding the location of sexually violent predators (SVPs) which may be used to investigate sexual assault cases and by securing the support of communities in the supervision process.

**Educate the community** by informing the public about sexual offenders, sexual offending, the varying types of sexual offenders, treatment interventions for these offenders, and the role and limits of the criminal justice agencies that monitor and supervise sex offenders. It is important that communities know what to do once they are notified that sex offenders live in their neighborhoods. Information on how community members can protect themselves and their families and the potential negative impacts of vigilante behavior are provided.

In carrying out the multiple purposes of community notification, these related goals are important to consider and include:

**Promote sensitivity to victims** by assessing the potential impact on victims and providing safeguards to reduce the possibility of disclosure of victim identity, re-victimization and harassment. Victim's families and the innocent family members of sex offenders should be considered possible secondary victims and afforded the same considerations.

**Find the balance** between communities' rights to safety and access to public information and the constitutional protections provided to convicted offenders. The offender has to live somewhere and the community has a right to safety. Community notification should not impede the equally desirable goal of moving offenders into law abiding lifestyles in the community and achieving a successful reintegration into the community. The intent of community notification is not to impose additional "punishment" on the offender, but to enhance public protection by increasing accountability through enhanced information sharing between the criminal justice system and the community. Persons found to have committed a sexual offense have a reduced expectation of privacy because of the public's interest in public safety and in the effective operation of government. Registration and community notification serve as a means of monitoring and tracking the whereabouts of sex offenders in the community.



# DEFINITIONS

**Community notification laws** allow or mandate that law enforcement, criminal justice or corrections agencies provide to citizens relevant information about certain convicted sex offenders living in their communities. These laws are distinct from sex offender registration laws.

**Community notification technical assistance team** is the group of persons established by the SOMB and the Division of Criminal Justice to assist local law enforcement in carrying out community notification and to provide general community education concerning sex offenders. The team will represent experience and expertise in the management, treatment and supervision of sex offenders and in law enforcement.

**Convicted** means being found guilty, having pleaded guilty (including Alford pleas) or nolo contendere. Offenders receiving deferred judgements are not subject to the sexually violent predator determination or to community notification.

**Federal laws** have been enacted that require states to comply with the sexual offender registration and notification process. These include:

- P The Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act** which requires states to establish sex offender registration for convicted offenders, and a system to track them.
- P Megan's Law** which requires states to inform community residents about the presence of convicted sex offenders in their neighborhoods.
- P The Pam Lychner Act** which amended the Jacob Wetterling Act by mandating lifetime registration for some sex offenders, and mandating a National Sex Offender Registry.

**Local community notification teams** are teams developed and led by local law enforcement agencies and are utilized when carrying out community meetings for community notification. They include interdisciplinary membership including child abuse and sex crimes investigators, prosecutors, supervising probation or parole officers, victim advocates or service providers and sex offender treatment providers. Team members will be utilized at different times depending on the requirements of a particular community notification meeting.

**Sex Offender Management Board** is a statutorily mandated board which is responsible for the development and approval of a variety of policy issues regarding the management of sex offenders. This includes Standards and Guidelines for the Assessment, Evaluation, Treatment and Behavioral Monitoring of Adult Sex Offenders. It has also developed Lifetime Supervision Criteria, Standards for Community Entities that Provide Supervision and Treatment for Adult Sex Offenders Who have Developmental Disabilities, and a Sexual Predator Risk Assessment Screening Instrument. The SOMB has also these developed Criteria, Protocols, and Procedures for Community Notification.

**Sex offender registration laws** require convicted sex offenders who are living in a community to notify law enforcement officials of their addresses. Law enforcement is required to make this information available to the affected public upon request.

**Sexually violent predator (SVP)** is an offender who meets the following criteria:

1. Eighteen years of age or older as of the date the offense is committed or who is less than eighteen years of age as of the date the offense is committed but is tried as an adult pursuant to section 19-2-517 or 19-2-518, C.R.S.
2. Convicted on or after July 1, 1999 of one of the following offenses committed on or after July 1, 1997.
  - A. Sexual assault in the first degree, in violation of section 18-3-402;
  - B. Sexual assault in the second degree, in violation of section 18-3-403;
  - C. Sexual assault in the third degree, in violation of section 18-3-404 (1.5) or (2) (Felony conviction);
  - D. Sexual assault on a child, in violation on section 18-3-405; or
  - E. Sexual assault on a child by one in a position of trust, in violation of section 18-3-405.3;
3. Whose victim was a stranger to the offender or a person with whom the offender established or promoted a relationship primarily for the purpose of sexual victimization; and
4. Based upon the results of a risk assessment screening instrument, which includes an assessment for the presence of a mental abnormality, developed by the Division of Criminal Justice in consultation with and approved by the Sex Offender Management Board established pursuant to section 16-11.7-102 (1), C.R.S., is likely to subsequently commit one or more of the offenses specified above under the circumstances specified above..

**Victim notification laws** mandate that crime victims who want to receive information about an offender's status in the criminal justice system or about the release status of the offender(s) who victimized them are provided with this information (Please refer to Section 24-4.1-302.5 (1) (a, b and c) C.R.S..

**Vigilantism**, for the purposes of this document, is the unlawful attacking or harassment of an identified sexually violent predator or his or her property by other citizens.

## 1.000

# RESPONSIBILITIES OF THE COURT

- 1.010** At the time a presentence investigation report is ordered for a defendant who is convicted of one of the offenses specified in the sexually violent predator (SVP) statute, the court shall also order that the sexually violent predator risk assessment be conducted. Based on the results of such assessment, the court shall make specific findings of fact and enter an order concerning whether the defendant is a sexually violent predator (SVP). If the defendant is found to be a SVP, the defendant shall be required to register pursuant to section 18-3-412.5 (3.5). [Section 18-3-414.5 (2) C.R.S.] (Registration for SVPs is required quarterly.)
- 1.020** If the defendant is found to be a sexually violent predator (SVP) the probation or parole officer shall petition the Parole Board or the court, whichever has jurisdiction over the SVP, for a determination that the SVP is subject to community notification. (Section 16-13-903 (2) C.R.S.)



## **CN2.000**

# **RESPONSIBILITIES OF THE PROBATION OFFICER**

- 2.010** When a sex offender is identified as a sexually violent predator (SVP) according to the Sexual Predator Risk Screening Instrument, the probation officer shall petition the court for a determination that the sex offender is a sexually violent predator (SVP) and that the SVP is subject to community notification. (Please refer to Section 16-13-903 (2) C.R.S.)
- 2.020** If the court determines that the SVP is subject to community notification, in addition to notifying local law enforcement of the SVP's address within forty-eight hours after the SVP has been placed on supervision, the SVP's supervising probation officer shall notify the local law enforcement agency for the jurisdiction in which the SVP resides or plans to reside that the SVP is subject to community notification. (Please refer to Section 16-13-903 (3) C.R.S.) In providing the notice, the probation officer may also provide additional information concerning the offender, including but not limited to, any information obtained in conducting the assessment to determine whether the offender may be subject to community notification. (Please refer to Section 18-3-412.5 (2)(c) C.R.S.)
- 2.030** Supervising probation officers shall also notify local law enforcement when an offender changes residence, employment or makes any other change that would place a new or different portion of the community at risk.
- 2.040** Sexually violent predators (SVPs) who have been identified as such in other states or jurisdictions who are applying to the Judicial Branch for probation supervision in Colorado through the interstate compact process, shall be given notice that they will be subject to community notification in Colorado and agree to this condition in writing prior to their acceptance for supervision.



## **CN3.000**

# **RESPONSIBILITIES OF THE PAROLE BOARD**

- 3.010** When considering release on parole for an offender who was convicted of one of the offenses specified in the sexually violent predator (SVP) statute on or after July 1, 1999 of an offense committed on or after July 1, 1997, the Parole Board shall make specific findings concerning whether the offender is a sexually violent predator (SVP), based on the results of a sexually violent predator assessment conducted by the Department of Corrections. (Section 18-3-414.5 (3) C.R.S.)
- 3.020** If the defendant is found to be a sexually violent predator (SVP) the Department of Corrections or the parole officer shall petition the Parole Board for a determination that the SVP is subject to community notification. (Section 16-13-903 (2) C.R.S.)



## **CN4.000**

# **RESPONSIBILITIES OF THE PAROLE OFFICER**

- 4.010** When a sex offender is identified as a sexually violent predator (SVP) according to the Sexual Predator Risk Screening Instrument and a determination that the sex offender is subject to community notification has not been previously made by the Court, the Department of Corrections or the parole officer shall petition the Parole Board for a determination that the sex offender is a sexually violent predator (SVP) and that the SVP is subject to community notification. (Please refer to Section 16-13-903 (2) C.R.S.)
- 4.020** If the Parole Board determines that the SVP is subject to community notification, in addition to notifying local law enforcement of the SVP's address within forty-eight hours after the SVP has been placed on parole supervision, the SVP's supervising parole officer shall notify the local law enforcement agency for the jurisdiction in which the SVP resides or plans to reside that the SVP is subject to community notification. (Please refer to Section 16-13-903 (3) and Section 18-3-412.5 (2)(c) C.R.S.) In providing the notice, the parole officer may also provide additional information concerning the offender, including but not limited to, any information obtained in conducting the assessment to determine whether the offender may be subject to community notification. (Please refer to Section 18-3-412.5 (2)(c) C.R.S.)
- 4.030** Supervising parole officers shall also notify local law enforcement when an offender changes residence, employment or makes any other change that would place a new or different portion of the community at risk.
- 4.040** Sexually violent predators (SVPs) who have been identified as such in other states or jurisdictions who are applying to the Department of Corrections for parole supervision in Colorado through the interstate compact process, shall be given notice that they will be subject to community notification in Colorado and agree to this condition in writing prior to their acceptance for supervision.



## **CN5.000 RESPONSIBILITIES OF THE DEPARTMENT OF CORRECTIONS**

- 5.010** When a sex offender is identified as a sexually violent predator (SVP) according to the Sexual Predator Risk Screening Instrument and a determination that the sex offender is subject to community notification has not been previously made by the Court, the Department of Corrections or the parole officer shall petition the Parole Board for a determination that the sex offender is a sexually violent predator (SVP) and that the SVP is subject to community notification. (Please refer to Section 16-13-903 (2) C.R.S.) This responsibility shall include both SVPs who are being considered for release on parole and for placement in a transitional community correction facility.
- 5.020** The Department of Corrections personnel shall notify the local law enforcement agency of the jurisdiction in which the offender plans to reside of the offender's address and the fact that they are subject to community notification no later than two days before the offender is to be released from the Department of Corrections. In providing the notice, the department may also provide additional information concerning the offender, including but not limited to, any information obtained in conducting the assessment to determine whether the offender may be subject to community notification. (Please refer to Section 18-3-412.5 (2)(c) C.R.S.)
- 5.030** Sexually violent predators (SVPs) who have been identified as such in other states or jurisdictions who are applying to the Department of Corrections for parole supervision in Colorado through the interstate compact process, shall be given notice that they will be subject to community notification in Colorado and agree to this condition in writing prior to their acceptance for supervision.



## **CN6.000 RESPONSIBILITIES OF LAW ENFORCEMENT AGENCIES**

- 6.010** The local law enforcement agency shall notify the Colorado Bureau of Investigation of the sexually violent predator's (SVP's) status as being subject to community notification and that information shall be entered in the central registry of persons required to register as sex offenders in a timely manner. (Please refer to Section 16-13-903 (3) C.R.S.)
- 6.020** The law enforcement agency for the jurisdiction in which a SVP who is subject to community notification resides shall be responsible for carrying out any community notification. This community notification shall only occur as outlined in these criteria, protocols and procedures specified by the SOMB. (Please refer to Section 16-13-905 (1) C.R.S.)
- 6.030** Law enforcement agencies, when providing community notification meetings, should conduct these meetings with the assistance of a local or regional community notification team.
- 6.040** Law enforcement agencies may request assistance in carrying out any community notifications from the state Community Notification Technical Assistance Team by contacting the Division of Criminal Justice at 700 Kipling Street, Suite 1000, Denver, Colorado 80125 or calling 303-239-4442. Each local law enforcement agency shall request assistance in carrying out the initial notification done in their jurisdiction to ensure appropriate training for local agencies and statewide consistency in notification practices.



# **CN7.000 RESPONSIBILITIES OF THE COMMUNITY NOTIFICATION TECHNICAL ASSISTANCE TEAM**

- 7.010** The Community Notification Technical Assistance Team (TA Team) is responsible for assisting local law enforcement agencies in carrying out community notifications and to provide general community education concerning sex offenders. This team shall include persons with expertise in sex offender management, sex offender supervision, and law enforcement. (Please refer to Section 16-13-906 (1) C.R.S.)
- 7.020** The team shall be available, upon request, to assist communities in providing general information concerning sex offenders, including treatment, management, and supervision of sex offenders within society. (Please refer to Section 16-13-906 (2) C.R.S.)
- 7.030** The team will be responsible for the development of curriculum and guidelines for community notification procedures which will be made available to law enforcement and local community notification teams throughout the state.



## **CN8.000**

# **RESPONSIBILITIES OF THE COLORADO BUREAU OF INVESTIGATION (CBI)**

- 8.010** CBI receives information from local law enforcement agencies regarding a sexually violent predator's (SVP's) status as being subject to community notification. This information shall be entered in the central registry of persons required to register as sex offenders in a timely manner. (Please refer to Section 16-13-903 (3) C.R.S.)



## **CN9.000**

# **CRITERIA TO APPLY WHEN DETERMINING WHEN TO PETITION THE PAROLE BOARD OR THE COURT FOR A DETERMINATION THAT A SEXUALLY VIOLENT PREDATOR IS SUBJECT TO COMMUNITY NOTIFICATION**

- 9.010** Given the small number of sex offenders who are identified as sexually violent predators (SVPs) and their concomitant high level of risk of re-offense, the appropriate agency, either Probation or the Department of Corrections, shall petition the Court or the Parole Board for a determination that each sex offender who is determined to be an SVP be subject to community notification prior to their placement in any community. This shall include when the offender is sentenced to probation and will be living in the community (even though the offender may have been living in the community prior to the sentence) or when the offender is being released into the community from the Department of Corrections.
- 9.020** Additionally, if there are identified high risk behaviors being exhibited by the offender at any time while the offender is residing in the community, (especially if the offender is out of compliance with treatment or supervision requirements or has absconded), the probation or parole officer may file a petition to initiate another community notification. This may result in an additional notification process and meeting or in the use of broader notification practices identified in Protocols section of this document. The purpose of this additional or broader community notification is to enhance public safety when SVPs are exhibiting increased risk.



## **CN10.00**

# **PETITIONING THE COURT OR PAROLE BOARD FOR A DETERMINATION THAT A SEXUALLY VIOLENT PREDATOR IS SUBJECT TO COMMUNITY NOTIFICATION**

## **10.10 P Required Petitions for All Sexually Violent Predators**

- 10.11** Offenders designated as sexually violent predators (SVPs) pose a high enough level of risk to the community that persons in the community should receive notification of the identity of these offenders. Consequently, all offenders who have been found by the court to be sexually violent predators (SVPs) will be subject to community notification.
- 10.12** A petition for making a SVP subject to community notification shall be filed with the court or the Parole Board when the SVP is either sentenced to probation and will be living in the community (even though the SVP may have been living in the community prior to the sentence) or the SVP is being released into the community from the Department of Corrections or from jail. Petitions in this instance shall be filed simultaneously with the petition for determination of SVP status. This generally means that the petition should be filed at the time of sentencing if the offender is put on probation. If the offender is sentenced to the Department of Corrections, the petition should be filed by the Department of Corrections or the parole officer prior to the release of the offender into the community. When an offender moves while residing in the community after they have been found to be subject to community notification and places additional or new community members at risk, an additional notification process shall be initiated by local law enforcement after receiving notice that the offender has moved without an additional petition to the court or the Parole Board.
- 10.13** The petition shall report the score on and attach the Sexual Predator Risk Assessment Screening Instrument. It should also include any other criteria used to make this determination or that would support the need for community notification.
- 10.14** Following a finding by the court or Parole Board, the probation or parole officer and/or the Department of Corrections should provide the information listed below to the law enforcement agency where the offender is or will be residing. If the offender is being released from the Department of Corrections, this information should be provided to the law enforcement agency prior to the offender's release. If the offender was sentenced to probation, and the offender is serving time in the county jail, this information should be provided to the law enforcement agency prior to the offender's release, when possible. If the offender was sentenced to probation without any county jail time, this information should be provided in a timely manner.

- P Name
- P Address
- P DOB
- P Conviction crime(s)

- P SVP status
- P Community notification status
- P Criminal justice supervision status

## 10.20 P Criteria for Additional Petitions for Community Notification

- 10.21** A petition for additional community notification regarding an SVP may be made while the SVP is living in the community. If there are identified high risk behaviors being exhibited at any time while the offender is residing in the community, the probation or parole officer may file a petition to initiate additional community notification. These high risk behaviors are any behaviors which would lead the probation officer or parole officer in consultation with the treatment provider, polygraph examiner or law enforcement officer to believe that the offender is at increased risk of re-offense. These behaviors may include, but are not limited to being out of compliance with treatment or supervision conditions or having absconded. The petition would be filed with the court or Parole Board in situations where the offender will be remaining in the community or where their whereabouts are unknown. It would not be appropriate to file a petition for additional community notification if the SVP is being revoked or placed in a secure facility.
- 10.22** When an additional petition for community notification is filed with the court or the Parole Board, the petition shall cite the behavior or behaviors that indicate increased risk. It should also include any other criteria used to make the decision to file the petition or that would support the need for community notification.
- 10.23** Following a finding by the court or Parole Board, the probation or parole officer and/or the Department of Corrections should provide the information listed below to the law enforcement agency where the offender is residing or where they are assumed to be if they have absconded. This information should be provided in a very timely manner due to the potential for increased risk.
- P Name
  - P Address
  - P DOB
  - P Conviction crime(s)
  - P SVP status
  - P Community notification status
  - P Criminal justice supervision status



# CN11.00

## COMMUNITY NOTIFICATION TECHNICAL ASSISTANCE TEAM

- 11.01** The SOMB, along with the Division of Criminal Justice, has established a community notification technical assistance team to provide assistance to local law enforcement agencies in planning and carrying out community notifications. The technical assistance team includes individuals with expertise in sex offender management, sex offender supervision, law enforcement, and victim services.
- 11.02** The technical assistance team is also available, upon request, to assist communities in providing general information concerning sex offenders, including treatment management, and supervision of sex offenders within the community. This educational process may be provided in situations that are not related to the provision of notice concerning a specific sexually violent predator (SVP).
- 11.03** The technical assistance team will develop curriculum and educational materials to be utilized in community notification and education efforts, provide training to law enforcement agencies around the state in the implementation of the community notification process and will assist with the development of regional/local community notification teams around the state.
- 11.04** The technical assistance team will provide assistance by phone, or in writing, and will be available to provide on-site training and assistance with public education and actual community notifications.

To contact the Community Notification Technical Assistance Team, contact the Division of Criminal Justice at 303-239-4442.



## CN12.00 DEVELOPMENT OF REGIONAL/LOCAL COMMUNITY NOTIFICATION TEAMS

- 12.01** The purpose of a regional/local community notification team is to promote a consistent, interdisciplinary group available to provide community notifications, in conjunction with law enforcement agencies, about specific sexually violent predators (SVPs) along with general public education concerning sexual assault, sex offenders and public safety.
- 12.02** These teams can be developed within a single law enforcement jurisdiction or multiple law enforcement jurisdictions. The law enforcement agency(s) responsible for the community notification will head the team. A core group of team members should be established and should assist with the determination of which agencies/organizations should be included in a particular community notification.
- 12.03** Recommended members for the community notification team may include but are not limited to:
- P Crimes against children investigator
  - P Child protection worker
  - P Sex crimes investigator
  - P District Attorney, Deputy District Attorney, or designee
  - P Command staff representative from the local law enforcement agency
  - P Probation officer
  - P Parole officer
  - P Community correction provider
  - P Victim advocate
  - P Victim service provider
  - P Sex offender treatment provider
- 12.04** Team members may change from meeting to meeting depending on the type of offender being released into the community or the nature of the meeting.
- 12.05** The Community Notification Technical Assistance Team is available to assist in developing regional/local teams and to assist with planning and conducting local community notification meetings while local team are in the developing stages or for jurisdiction that have too few notifications to develop local expertise.



# CN13.00

## PROTOCOLS FOR LAW ENFORCEMENT AGENCIES CARRYING OUT COMMUNITY NOTIFICATION REGARDING SEXUALLY VIOLENT PREDATORS

**13.01** The following activities are required in all community notifications:

- P SVP information is shared by the supervising agency with local law enforcement agencies and shall be made available to the public as law permits through the sex offender registry.
- P Law enforcement agencies can and should share this information. This would include general information regarding offending patterns and behaviors as well as the status of current criminal justice supervision. Jurisdictions shall be notified that are in proximity to the SVP's residence and place of employment, if it is a jurisdiction other than the one where the offender lives, and any jurisdiction through which the offender travels regularly or frequently.
- P The law enforcement agency shall ensure that the victim or parent, custodian or guardian of a child victim is contacted regarding the date and type of any planned community notification prior to the notification (An exception can be made only when the victim has expressly indicated that they wish to have no further contact regarding community notification activities or when the law enforcement agency is unable to locate the victim after multiple attempts and substantial effort). When there is a victim advocate with an existing, positive relationship with the victim, local law enforcement shall ensure that the victim is notified by that victim advocate (in many cases that advocate will be the advocate available through the supervising criminal justice agency; in some cases it may be a law enforcement advocate or even the investigating detective if the notification is being made in the jurisdiction where the investigation took place). If there is no existing relationship, the notification should be made by the advocate most likely to have a need for ongoing contact with the victim, usually the advocate available through the supervising criminal justice agency. If there is no supervising criminal justice agency, it is strongly encouraged that the law enforcement agency utilize the services of their own or a local agency's victim advocate to make this notification.
- P Under no circumstances shall any information be released regarding any SVP that could directly be utilized to identify the predator's victims to the community. Extreme caution shall be taken to ensure that no information is released that could indirectly identify the predator's victims to the community.
- P Information shall be provided to specific agencies, organizations and groups. These targeted notifications may include specific agencies or organizations that fall within the SVP's identified pattern of behavior. Targeted notification can be general in scope (such as notifying agencies/organizations that care for children because the SVP's sexually assaultive behavior is toward children) or it may be more specific in scope (such as specifically notifying schools because the SVP has a history of enticing children at playgrounds) or

notifying the local Boy Scout troop because the SVP's previous crime took place while he was an Assistant Scout Master). Targeted notification may include organizations that serve primarily children, women or vulnerable adults, public and private schools, child day care centers, day care providers, group homes, shelters, foster homes, churches, and businesses.

- P A community notification meeting, facilitated by the local law enforcement agency with the local or the state community notification team, and open to the public will be held targeted to people residing in the immediate neighborhood of the SVP. Local law enforcement should use their discretion in determining appropriate boundaries or attendees for the meeting. It would be appropriate for the local law enforcement agency to request assistance from the Community Notification Technical Assistance Team, the local community notification team or local sex offender or sexual assault service providers in making this determination. It is recommended that this meeting take place as promptly as possible. In addition to information regarding the individual offender, general education and information regarding sexual assault, sex offenders and their treatment and management and resources for community members who are impacted by the crime or the notification process shall be provided.

**13.02** In addition to the required activities listed above, a local law enforcement agency may include the following activities in a community notification if they determine that they are necessary based either on their community's needs or if they determine that broader or more intensive notification is necessary based on the SVP's particular risk or behavior.

- P Broader based or larger community meetings including people beyond the offenders' neighborhood.
- P Use of notice in the print or broadcast media (This form of community notification may be most appropriate when risk is extremely high, such as when an offender has absconded).

## CN14.00

# PROCEDURES FOR NOTIFICATION OF AGENCIES, ORGANIZATIONS AND GROUPS

- 14.01** Written information about specific sexually violent predators (SVPs), sex offenders in general, public safety information and community notification laws shall be provided to specific agencies and organizations. These targeted notifications may include specific agencies or organizations that fall within the SVP's identified pattern of behavior. Targeted notification can be general in scope (such as notifying agencies/organizations that care for children because the SVP's sexually assaultive behavior is toward children) or it may be more specific in scope (such as specifically notifying schools because the SVP has a history of enticing children at playgrounds) or notifying the local Boy Scout troop because the SVP's previous crime took place while he was an Assistant Scout Master) Targeted notification may include organizations that serve primarily children, women or vulnerable adults, public and private schools, child day care centers, day care providers, group homes, shelters, foster homes, churches, and businesses. Face to face or phone contact may be utilized in addition to the required written communication.
- 14.02** It is suggested that law enforcement agencies request, in advance, which organizations want to be notified of an SVP's release. It is recommended that an ongoing list of local agencies, organizations and neighborhood watch programs be established for distribution of SVP information when notifications are required.
- 14.03** The law enforcement agency shall confirm the accuracy of the SVP's residence prior to any notification of agencies and organizations.
- 14.04** The law enforcement agency shall ensure that the victim or parent, custodian or guardian of a child victim is contacted regarding the date and type of any planned community notification prior to the notification (An exception can be made only when the victim has expressly indicated that they wish to have no further contact regarding community notification activities or when the law enforcement agency is unable to locate the victim after multiple attempts and substantial effort). When there is a victim advocate with an existing, positive relationship with the victim, local law enforcement shall ensure that the victim is notified by that victim advocate (in many cases that advocate will be the advocate available through the supervising criminal justice agency; in some cases it may be a law enforcement advocate or even the investigating detective if the notification is being made in the jurisdiction where the investigation took place). If there is no existing relationship, the notification should be made by the advocate most likely to have a need for ongoing contact with the victim, usually the advocate available through the supervising criminal justice agency. If there is no supervising criminal justice agency, it is strongly encouraged that the law enforcement agency utilize the services of their own or a local agency's victim advocate to make this notification.
- 14.05** Written information shall include:
- P Name
  - P Photo
  - P Physical description
  - P Crimes of conviction (unless they would positively identify the victim, such as incest)
  - P Preferred age range of target victim(s), including multiple ranges when appropriate

- P Whether the victim was a stranger or known to the SVP (If the victim was a relative, information can say the victim was known to the offender only - DO NOT IDENTIFY THE VICTIM)
- P Authority for releasing the information
- P Conditions of release
- P The address of the SVP
- P Vehicle information
- P Type of work
- P Compliance with conditions of supervision
- P The current general criminal justice status of the offender (ie: 'absconded and highly dangerous' or 'has served his/her sentence and is not wanted by law enforcement' or 'is currently under the supervision of the DOC Parole Office')
- P Vigilantism will not be tolerated
- P Phone number to call with questions (including a contact person when possible)
- P Resources for community members who are impacted by the crime or the notification process
- P How to contact law enforcement or the supervising agency if agency personnel observe the offender engaging in risky behavior (parked outside of a school or on a playground at a day care center)
- P The number of sex offenders registered state-wide, county-wide and within the local law enforcement jurisdiction, if available
- P A statement regarding risk from sex offenders who are not registered or otherwise identified by the criminal justice system
- P A statement that the information provided is current and accurate, but that it may change with the passage of time

**14.06** Information released may also include the following:

- P Modus operandi (omitting any information that could identify specific victims)
- P The workplace address of the SVP (omit workplace name to limit negative impact to businesses) (consultation with the supervising officer should take place prior to a decision to release the workplace address)
- P Any additional educational material regarding sexual assault, sex offenders, their supervision and treatment, sexual assault laws and community notification practices

## **CN15.00 PROCEDURES FOR INITIATING COMMUNITY NOTIFICATION PUBLIC MEETINGS**

- 15.01** The local law enforcement agency shall confirm the accuracy of the SVP's residence.
- 15.02** The local law enforcement agency shall ensure that personal notification is made to the offender that there will be a meeting and possible media coverage. The agency may complete this notification or it may arrange for the supervising criminal justice agency to make notification to the offender.
- 15.03** The law enforcement agency shall ensure that the victim or parent, custodian or guardian of a child victim is contacted regarding the date and type of any planned community notification prior to the notification, including the possibility of media coverage, prior to the notification. It is important to assure the victim that his/her name and/or specific identifying information will not be released. This is very important if the victim, for example, lives in the community where the meeting will be held. (An exception can be made only when the victim has expressly indicated that they wish to have no further contact regarding community notification activities or when the law enforcement agency is unable to locate the victim after multiple attempts and substantial effort).
- 15.04** When there is a victim advocate with an existing, positive relationship with the victim, local law enforcement shall ensure that the victim is notified by that victim advocate (in many cases that advocate will be the advocate available through the supervising criminal justice agency; in some cases it may be a law enforcement advocate or even the investigating detective if the notification is being made in the jurisdiction where the investigation took place). If there is no existing relationship, the notification should be made by the advocate most likely to have a need for ongoing contact with the victim, usually the advocate available through the supervising criminal justice agency. If there is no supervising criminal justice agency, it is strongly encouraged that the law enforcement agency utilize the services of their own or a local agency's victim advocate to make this notification.
- 15.05** Coordination of a community meeting with existing neighborhood groups should occur either through a mailing informing residents of the meeting, door to door contact, or distribution of a flyer. The information should invite residents to the community notification meeting. If appropriate, a notice of the community meeting may be put in the newspaper. The focus of community notification is public safety. The geographic scope of dissemination must relate to the threat posed by the registered offender.
- 15.06** Local organizations that have received written information regarding the SVP and that serve primarily children, women or vulnerable adults, public and private schools, child day care centers, day care providers, group homes, shelters, foster homes, churches, and businesses should also be invited to this meeting.
- 15.07** In some cases, media coverage may be required if the offender is considered a great risk to the general public or if the offender has absconded.



# CN16.00

## PROCEDURES FOR CONDUCTING COMMUNITY NOTIFICATION PUBLIC MEETINGS

- 16.01** Community meetings shall be conducted by the local law enforcement agency and the regional/local community notification team. Assistance with planning and conducting these meetings is available through the state Community Notification Technical Assistance Team. Curriculum to be utilized in planning these meetings is available through the Community Notification Technical Assistance Team.
- 16.02** Meetings shall include general information and education concerning sexual assault and sex offenders including treatment and supervision of sex offenders, and information to attempt to minimize the risk of vigilantism including what community members can do to protect themselves and assist law enforcement agencies.
- 16.03** Meetings shall include information about public safety.
- 16.04** Information which shall be included:
- P Name
  - P Photo
  - P Physical description
  - P Crimes of conviction (unless they would positively identify the victim, such as incest)
  - P Preferred age range of target victim(s), including multiple ranges when appropriate
  - P Whether the victim was a stranger or known to the SVP (If the victim was a relative, information can say the victim was known to the offender only - DO NOT IDENTIFY THE VICTIM)
  - P Authority for releasing the information
  - P Conditions of release
  - P The address of the SVP
  - P Vehicle information
  - P Type of work
  - P Compliance with conditions of supervision
  - P The current general criminal justice status of the offender (ie: 'absconded and highly dangerous' or 'has served his/her sentence and is not wanted by law enforcement' or 'is currently under the supervision of the DOC Parole Office')
  - P Vigilantism will not be tolerated
  - P Phone number to call with questions (including a contact person when possible)
  - P Resources for community members who are impacted by the crime or the notification process
  - P How to contact law enforcement or the supervising agency if community members observe the offender engaging in risky behavior (parked outside of a school or on a playground at a day care center)
  - P The number of sex offenders registered state-wide, county-wide and within the local law enforcement jurisdiction, if available
  - P A statement regarding risk from sex offenders who are not registered or otherwise identified by the criminal justice system

P A statement that the information provided is current and accurate, but that it may change with the passage of time

**16.05** Information released may also include the following:

P Modus operandi (omitting any information that could identify specific victims)

P The workplace address of the SVP (omit workplace name to limit negative impact to businesses) (consultation with the supervising officer should take place prior to a decision to release the workplace address)

# CN17.00

## DE-NOTIFYING COMMUNITIES WHEN SEXUALLY VIOLENT PREDATORS RELOCATE OUTSIDE OF THE COMMUNITY

- 17.01** Local law enforcement agencies shall make every effort to de-notify those community members who have been notified of the presence of a sexually violent predator (SVP) through this community notification process when that SVP leaves the community.
- 17.02** Prior to de-notifying the community, the local law enforcement agency shall verify that the SVP is actually leaving the community to reside in another community.
- 17.03** Local law enforcement shall de-notify the same group of agencies, organizations and groups and local community members who were initially notified. This de-notification shall be done in writing and may be mailed, delivered door to door by flyer or in person. It may also be published in the local newspaper. The de-notification shall include the following information regarding the departing SVP:
- P Name
  - P Address from which the SVP is moving
  - P City, town or county where the SVP is planning to re-locate
  - P Approximate date of the re-location
  - P Phone number for questions (and contact person when possible)



## **CN18.00 GENERAL PUBLIC EDUCATION MEETINGS**

- 18.01** General public education meetings, not related to a specific community notification regarding an identified sexually violent predator (SVP) may be held to educate the public. These meetings should include general information and education concerning sexual assault, victim impact, sex offenders including treatment and supervision of sex offenders, the risk to communities from unidentified and un-apprehended sex offenders, community notification and other laws concerning sexual assault, information to attempt to minimize the risk of vigilantism including what community members can do to protect themselves and assist law enforcement agencies and resources for community members impacted by the crime of sexual assault or the notification process.
- 18.02** Local law enforcement agencies are encouraged to have one or more public meetings not related to a specific community notification as a means to educate the community and build relationships on which successful community notifications can later be built. They should invite schools, day care centers, and businesses and organizations that primarily serve children, women, or vulnerable adults.
- P** Mailings should be provided to schools, day care centers, businesses, organizations, agencies and groups that serve primarily children, women, or vulnerable adults. This could include churches, libraries, organizations such as scouts, YMCAs, and children's sports leagues.
  - P** A notice may be published in the local newspaper about the meeting.
  - P** Community residents and neighborhoods may be individually notified by mail, flyers or door to door contact.
- 18.03** Assistance with these meetings is available to local communities through a request from local law enforcement to the Community Notification Technical Assistance Team.



# APPENDIX A: GUIDING PRINCIPLES

*From the STANDARDS AND GUIDELINES FOR THE ASSESSMENT, EVALUATION, TREATMENT AND BEHAVIORAL MONITORING OF ADULT SEX OFFENDERS*

**1. Sexual offending is a behavioral disorder which cannot be "cured".**

Sexual offenses are defined by law and may or may not be associated with or accompanied by the characteristics of sexual deviance which are described as paraphilias. Some sex offenders also have co-existing conditions such as mental disorders, organic disorders, or substance abuse problems.

Many offenders can learn through treatment to manage their sexual offending behaviors and decrease their risk of re-offense. Such behavioral management should not, however, be considered a "cure," and successful treatment cannot permanently eliminate the risk that sex offenders may repeat their offenses.

**2. Sex offenders are dangerous.**

When a sexual assault occurs there is always a victim. Both the literature and clinical experience suggest that sexual assault can have devastating effects on the lives of victims and their families.

There are many forms of sexual offending. Offenders may have more than one pattern of sexual offending behavior and often have multiple victims. The propensity for such behavior is often present long before it is detected. It is the nature of the disorder that sex offenders' behaviors are inherently covert, deceptive, and secretive. Untreated sex offenders also commonly exhibit varying degrees of denial about the facts, severity and/or frequency of their offenses.

Prediction of the risk of re-offense for sex offenders is in the early stages of development. Therefore, it is difficult to predict the likelihood of re-offense or future victim selection.

Some offenders may be too dangerous to be placed in the community and other offenders may pose enough risk to the community to require lifetime monitoring to minimize the risk.

**3. Community safety is paramount.**

The highest priority of these standards and guidelines is community safety.

**4. Assessment and evaluation of sex offenders is an on-going process. Progress in treatment and level of risk are not constant over time.**

The effective assessment and evaluation of sexual offenders is best seen as a process. In Colorado, criminal sexual offenders are first assessed and referred for a mental health sex offense-specific evaluation during the pre-sentence investigation conducted by the Probation Department.

Assessment of sex offenders' risk and amenability to treatment should not, however, end at this point. Subsequent assessments must occur at both the entry and exit points of all sentencing options, i.e. probation, parole, community corrections and prison. In addition, assessment and evaluation should be an ongoing practice in any program providing treatment for sex offenders.

In the management and treatment of sex offenders there will be measurable degrees of progress or lack of progress. Because of the cyclical nature of offense patterns and fluctuating life stresses, sex offenders' levels of risk are constantly in flux. Success in the management and treatment of sex offenders cannot be assumed to be permanent. For these reasons, monitoring of risk must be a continuing process as long as sex offenders are under criminal justice supervision. Moreover, the end of the period of court supervision should not necessarily be seen as the end of dangerousness.

**5. Assignment to community supervision is a privilege, and sex offenders must be completely accountable for their behaviors.**

Sex offenders on community supervision must agree to intensive and sometimes intrusive accountability measures which enable them to remain in the community rather than in prison. Offenders carry the responsibility to learn and demonstrate the importance of accountability, and to earn the right to remain under community supervision.

**6. Sex offenders must waive confidentiality for evaluation, treatment, supervision and case management purposes.**

All members of the team managing and treating each offender must have access to the same relevant information. Sex offenses are committed in secret, and all forms of secrecy potentially undermine the rehabilitation of sex offenders and threaten public safety.

**7. Victims have a right to safety and self-determination.**

Victims have the right to determine the extent to which they will be informed of an offender's status in the criminal justice system and the extent to which they will provide input through appropriate channels to the offender management and treatment process. In the case of adolescent or child victims, custodial adults and/or guardians ad litem act on behalf of the child to exercise this right, in the best interest of the victim.

**8. When a child is sexually abused within the family, the child's individual need for safety, protection, developmental growth and psychological well-being outweighs any parental or family interests.**

All aspects of the community response and intervention system to child sexual abuse should be designed to promote the best interests of children rather than focusing primarily on the interests of adults. This includes the child's right not to live with a sex offender, even if that offender is a parent. In most cases, the offender should be moved or inconvenienced to achieve the lack of contact, rather than further disrupting the life of the child victim.

- 9. A continuum of sex offender management and treatment options should be available in each community in the state.**

Many sex offenders can be managed in the community on probation, community corrections, and parole. It is in the best interest of public safety for each community to have a continuum of sex offender management and treatment options. Such a continuum should provide for an increase or decrease in the intensity of treatment and monitoring based on offenders' changing risk factors, treatment needs and compliance with supervision conditions.

- 10. Standards and guidelines for assessment, evaluation, treatment and behavioral monitoring of sex offenders will be most effective if the entirety of the criminal justice and social services systems, not just sex offender treatment providers, apply the same principles and work together.**

It is the philosophy of the Sex Offender Management Board that setting standards for sex offender treatment providers alone will not significantly improve public safety. In addition, the *process* by which sex offenders are assessed, treated, and managed by the criminal justice and social services systems should be coordinated and improved.

- 11. The management of sex offenders requires a coordinated team response.**

All relevant agencies must cooperate in planning treatment and containment strategies of sex offenders for the following reasons:

- P Sex offenders should not be in the community without comprehensive treatment, supervision, and behavioral monitoring
- P Each discipline brings to the team specialized knowledge and expertise
- P Open professional communication confronts sex offenders' tendencies to exhibit secretive, manipulative and denying behaviors, and
- P Information provided by each member of an offender case management team contributes to a more thorough understanding of the offender's risk factors and needs, and to the development of a comprehensive approach to treating and managing the sex offender.

- 12. Sex offender assessment, evaluation, treatment and behavioral monitoring should be non-discriminatory and humane, and bound by the rules of ethics and law.**

Individuals and agencies carrying out the assessment, evaluation, treatment and behavioral monitoring of sex offenders should not discriminate based on race, religion, gender, sexual orientation, disability or socioeconomic status. Sex offenders must be treated with dignity and respect by all members of the team who are managing and treating the offender regardless of the nature of the offender's crimes or conduct.

13. **Successful treatment and management of sex offenders is enhanced by the positive cooperation of family, friends, employers and members of the community who have influence in sex offenders' lives.**

Sexual issues are often not talked about freely in families, communities and other settings. In fact, there is often a tendency to avoid and deny that sex offenses have occurred. Successful management and treatment of sex offenders involves an open dialogue about this subject and a willingness to hold sex offenders accountable for their behavior.

**APPENDIX B: STATE OF COLORADO SEXUAL  
PREDATOR RISK ASSESSMENT SCREENING  
INSTRUMENT**



# State of Colorado

## SEXUAL PREDATOR RISK ASSESSMENT SCREENING INSTRUMENT

PURSUANT TO 18-3-414.5 C.R.S.

Probation officers, please fax or mail all completed forms within one month to:

Division of Criminal Justice  
Attn: Office of Research and Statistics  
700 Kipling Street, Suite 1000  
Denver, Colorado 80215  
303.239.4491 (FAX)

*If the offender meets the criteria in this instrument:*

**(PART 1) + (PART 2) + (PART 3 OR PART 4)**

*he will be referred to the court as a sexually violent predator based on this instrument. The court makes the final determination regarding sexually violent predator status pursuant to 16-11.7-103.*

# Instructions:

Please complete the entire form (7 pages) for each sex offender on your caseload. This form applies to offenses committed on or after July 1,1997, whose conviction or plea (finding of guilt) occurred on or after July 1,1999. DCJ is continuing to analyze the data gathered from these forms to strengthen the predictive capacity of the instrument. In order to accurately do this, the data must reflect both those offenders who are identified as sexually violent predators and those who are not. Thank-you for your ongoing assistance with the development of this instrument.

## **P** PROBATION

Completes Part 1 and Part 3, items 1-6 then forwards this form to the Evaluator with copies of the police reports and any victim statements. If either are not forwarded with this report, please indicate why here:

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## **E** SOMB EVALUATOR

Completes Part 2, Part 3, items 7-10 and Part 4 including the Instrument Summary then return the completed form to probation with the completed mental health sex offense specific evaluation.

<b>DATA SOURCES</b>	
Please identify the data sources by number when completing the following sections of this instrument.	
1 Criminal History	10 Polygraph
2 Pre-Sentence Investigation Process	11 Sexual History (official record, self report)
3 Police Report	12 Sex Offense Specific Mental Health Evaluation
4 Mental Health Evaluation	13 Prison Record
5 Official Record/Documentation	14 Self-Report
6 Child Protection or Social Service Records	15 CCIC
7 Demographic Information	16 Results of a Plethysmograph Examination or an Abel Screen (SOMB Standards)
8 NCIC	17 Victim Report (from any data source including victim statements)
9 Education Records	18 Other (Please Specify)

# Part 1



(PROBATION complete Part 1)

## CLIENT INFORMATION

Offender Name:
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SS#:	SID#:	DOB:
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Gender: <input type="checkbox"/> Male <input type="checkbox"/> Female	Race: <input type="checkbox"/> Anglo <input type="checkbox"/> Black <input type="checkbox"/> Hispanic <input type="checkbox"/> Other
---	--

Referring PO:	Date PO Referred Instrument to Evaluator:
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Judicial District:
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SOMB Evaluator:	Date of Eval:	Date Returned to PO:
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## DEFINING SEXUAL ASSAULT CRIMES

The offender has been **convicted of an offense committed on or after July 1, 1997**, of one or more of the following crimes (attempts, conspiracies, and deferred judgements *do not* apply.)  
(check all those that apply):

- Sexual Assault in the First Degree (18-3-402)
- Sexual Assault in the Second Degree (18-3-403)
- Sexual Assault in the Third Degree (felony convictions only)(18-3-404)(1.5 or 2)
- Sexual Assault on a Child (18-3-405)
- Sexual Assault on a Child by one in a position of Trust (18-3-405.3).

Meets <b>DEFINING CRIMES</b> Criterion:	<input type="checkbox"/> Yes	<input type="checkbox"/> No
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**Please proceed to Part 2.**

# Part 2

**E** (EVALUATOR complete Part 2)

The following criteria were developed to assist in the identification of a sexually violent predator as outlined in 18-3-414.5 C.R.S.

THE OFFENDER MUST MEET ONE OF THE FOLLOWING THREE SEXUALLY VIOLENT PREDATOR RELATIONSHIP DEFINITIONS: 1) **STRANGER**, 2) **ESTABLISHED A RELATIONSHIP**, OR 3) **PROMOTED A RELATIONSHIP**.

## STRANGER

The victim is a **stranger** to the offender when the victim has never known or met the offender, or has met the offender in such a casual manner as to have little or no familiar or personal knowledge of said offender, prior to the current offense.

Meets <b>STRANGER</b> Criterion: <i>If yes, go to the Summary on page 5. If no, continue in Part 2.</i>	<b>G</b> Yes	<b>G</b> No
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Please select the appropriate data source from the list on Page 2.

Data Source(s):

## ESTABLISHED A RELATIONSHIP

(Consider only when **stranger criteria above** does not apply.) The offender **established a relationship** primarily for the purpose of sexual victimization when **any two of the following criteria** are present (check all that apply).

- G** The offender has a history of multiple victims and similar behavior.
- G** The offender has actively manipulated the environment to gain access to this victim.
- G** The offender introduced sexual content into the relationship, such as but not limited to, pornography or inappropriate discussion of sexual relations with a child.
- G** The offender persisted in the introduction of sexual contact or inappropriate behavior of a sexual nature despite lack of consent or the absence of the ability to consent.

Meets <b>ESTABLISHED</b> Criteria: <i>If yes, go to the Summary on page 5. If no, continue in Part 2.</i>	<b>G</b> Yes	<b>G</b> No
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Please select the appropriate data source from the list on Page 2.

Data Source(s):

# Part 2 *(continued)*

## PROMOTED A RELATIONSHIP

(Consider only when **stranger or established a relationship** criteria above do not apply.) **The offender promoted an existing relationship** primarily for the purpose of sexual victimization when **the first item below is present and** any other item is present (*check all that apply*).

**G** The offender took steps to change the focus of the relationship to facilitate the commission of a sexual assault, such as but not limited to, planning, increased frequency of contact, introduction of inappropriate sexual contact, stalking, seduction or drugging of the victim,

**and**

**G** The offender engaged in contact with the victim that was progressively more sexually intrusive, or

**G** The offender used or engaged in threat, intimidation, force or coercion in the relationship, or

**G** The offender engaged in repetitive non-consensual sexual contact, or

**G** The offender established control of the victim through means, such as but not limited to, emotional abuse, physical abuse, financial control or isolation of the victim in order to facilitate the sexual assault.

Meets <b>PROMOTED</b> Criteria:	<b>G</b> Yes	<b>G</b> No
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Please select the appropriate data source from the list on Page 2.

Data Source(s):
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## SUMMARY OF RELATIONSHIP INFORMATION

Meets <b>STRANGER</b> Criterion:	<b>G</b> Yes	<b>G</b> No
Meets <b>ESTABLISHED A RELATIONSHIP</b> Criteria:	<b>G</b> Yes	<b>G</b> No
Meets <b>PROMOTED A RELATIONSHIP</b> Criteria:	<b>G</b> Yes	<b>G</b> No

Please proceed to Part 3.

# Part 3

## DCJ SEX OFFENDER RISK SCALE (SORS)

The offender is at **greater risk** of subsequently committing one of the identified crimes (16-11.7-103 (1) C.R.S.) when **Four or more of the following descriptions apply to this offender**. Each of the ten items are worth one point. **Missing information must be scored no**. (Please indicate your data sources by documenting the corresponding number from the data source list found on page 2.)

**P** (PROBATION complete items 1 through 6)

Yes No

- G G** 1. **The offender has one or more juvenile felony adjudications.** (Includes attempts and conspiracies but not deferred judgments.)  
Data Source(s) \_\_\_\_\_
- G G** 2. **The offender has one or more prior adult felony convictions.** (Include attempts/conspiracies and deferred judgments/sentences).  
Data Source(s) \_\_\_\_\_
- G G** 3. **The offender was employed less than full time at arrest.** (Part-time or sporadic work are not considered full-time. Multiple, concurrent, stable part-time jobs are considered full-time employment. Full-time work refers to 35 or plus hours per week)  
Data Source(s) \_\_\_\_\_
- G G** 4. **The offender failed first or second grade.** (Whatever the reason, if the offender failed these grades or was held back or repeated the grade, this item scores "yes". Probation Officers may need to work closely with the SOMB evaluator and polygrapher to obtain this information.)  
Data Source(s) \_\_\_\_\_
- G G** 5. **The offender possessed a weapon during the current crime.** (A weapon was present and is defined as a gun, knife, or object that could be used to intimidate or harm a victim. The offender need only to possess the weapon during the crime, not use the weapon. If the victim was lead to believe that a weapon was present, regardless if it was, score this criterion "yes".)  
Data Source(s) \_\_\_\_\_
- G G** 6. **The victim had ingested or was administered alcohol or drugs during or immediately prior to the current crime.**  
Data Source(s) \_\_\_\_\_

**E** (EVALUATOR complete items 7 through 10)

- G G** 7. **The offender was NOT sexually aroused during the sexual assault.** (Sexual arousal refers to an erection. The erection must have been sustained throughout the sexual assault. Data sources include self-report and/or corroborating documentation such as the victim report and police report).  
Data Source(s) \_\_\_\_\_

Item 8 through 10 on this scale are scored from the Colorado Sex Offender Management Board Checklist (page 8).

Yes No

- G G** 8. **The offender scored 20 or above on the CO-SOMB Denial Scale.**
- G G** 9. **The offender scored 20 or above on the CO-SOMB Deviancy Scale.**
- G G** 10. **The offender scored 20 or below on the CO-SOMB Motivation Scale.**

TOTAL DCJ SEX OFFENDER RISK SCALE SCORE . . . . . (Add number of "yes" responses)

Meets DCJ Sex Offender Risk Scale Criteria (Total score of 4 "yes" responses or more) **G** Yes **G** No  
Please proceed to Part 4.

# Part 4

**E** (EVALUATOR complete Part 4 and Instrument Summary)

## MENTAL ABNORMALITY

The offender meets the **mental abnormality criterion when** he scores:

- 18 or more on the Psychopathy Checklist Screening Version (PCL:SV), **OR**
- 30 on the PCL - R, **OR**
- Scores of 85 or more on **each** of the following MCMI3 scales: narcissistic, antisocial, and paranoid.

Please indicate the score of the appropriate test below.

**Psychopathy Checklist:**

PCL-SV SCORE: .....

**OR**

PCL-R SCORE: .....

- **OR** -

**MCMI3:**

Narcissistic .....

**AND**

Antisocial .....

**AND**

Paranoid .....

Meets Mental Abnormality Criterion:	<b>G Yes</b>	<b>G No</b>
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## INSTRUMENT SUMMARY:

*To be identified a sexually violent predator, the offender must have yes on Parts 1 + 2 + (3 or 4).*

**PART 1** (Defining Sexual Assault Crimes Criterion) ..... **G Yes** **G No**

**PART 2** (Relationship Criteria) ..... **G Yes** **G No**

**PART 3** (DCJ Sex Offender Risk Scale Criteria) ..... **G Yes** **G No**

**PART 4** (Mental Abnormality Criterion) ..... **G Yes** **G No**

**OR**

*This risk assessment instrument identifies the offender as a:*

Probation Officer/Evaluator Feedback: <hr/> <hr/>
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# SOMB CHECKLIST

Please endorse each of the following as they apply to the client with a "0" meaning "does not apply at all" to a "5" meaning "applies very much". **Please complete the entire form.**

Date \_\_\_\_\_ CR# \_\_\_\_\_ SS# \_\_\_\_\_

Client Name \_\_\_\_\_

SOMB Evaluator \_\_\_\_\_ Referring Probation Officer \_\_\_\_\_

*Not at All. . .Very Much*

*Not at All. . .Very Much*

**MOTIVATION**

- Verbalizes desire for treatment.                    0 1 2 3 4 5
- Agrees with court order for intervention.        0 1 2 3 4 5
- Pays attention to evaluator.                        0 1 2 3 4 5
- Arrives for appointments on time.                0 1 2 3 4 5
- Is positive about evaluator's testing              0 1 2 3 4 5
- Actively participates in evaluation.              0 1 2 3 4 5
- Completes evaluation requirements.            0 1 2 3 4 5
- Seeks additional help.                                0 1 2 3 4 5

**POSITIVE SOCIAL SUPPORT**

- Has many pro-social friends.                    0 1 2 3 4 5
- Has close friends.                                    0 1 2 3 4 5
- Interacts with friends regularly.                0 1 2 3 4 5
- Has healthy family.                                 0 1 2 3 4 5
- People are interested in his progress.         0 1 2 3 4 5
- People have offered to help him.                0 1 2 3 4 5
- Has friends/family he could live with.         0 1 2 3 4 5
- Has lived in same community for years.        0 1 2 3 4 5

**DENIAL**

- Denies actual facts of offense.                    0 1 2 3 4 5
- Denies wrongness of actions.                    0 1 2 3 4 5
- Minimizes prior offenses.                         0 1 2 3 4 5
- Portrays self as victim.                            0 1 2 3 4 5
- Blames others for the crime.                     0 1 2 3 4 5
- Holds grudge against "system".                0 1 2 3 4 5
- Says victim "wanted it".                         0 1 2 3 4 5
- Says therapy is unnecessary.                    0 1 2 3 4 5

**DEVIANT SEXUAL PRACTICES**

- Has no socially appropriate sexual outlet.     0 1 2 3 4 5
- Engages in many forms of deviant sexuality. 0 1 2 3 4 5
- Obsessed with deviant sexual practices.       0 1 2 3 4 5
- Engages in bizarre sexual practices.          0 1 2 3 4 5
- Poor control of sexual behavior.                0 1 2 3 4 5
- Talks constantly about sex.                       0 1 2 3 4 5
- Nothing seems "off limits" sexually.          0 1 2 3 4 5
- Masturbation is compulsive or excessive.     0 1 2 3 4 5

**READINESS TO CHANGE**

- Verbalizes desire to change.                    0 1 2 3 4 5
- Sees other ways of behaving.                    0 1 2 3 4 5
- Appears tired of old ways.                        0 1 2 3 4 5
- Shows detrimental effects on victim.          0 1 2 3 4 5
- Has plan for change.                                0 1 2 3 4 5
- Willingness to discuss sexual history.         0 1 2 3 4 5
- Can see a future in changing.                    0 1 2 3 4 5
- Eliminates deviant sexual behavior.          0 1 2 3 4 5

**TAKING CARE OF BUSINESS**

- Work/school stability.                            0 1 2 3 4 5
- Keeps up on financial obligations.             0 1 2 3 4 5
- Maintains stable family life/living situation. 0 1 2 3 4 5
- Completes homework.                            0 1 2 3 4 5
- Takes responsibility for life incidents.        0 1 2 3 4 5
- Reports/journals about stressful situations.   0 1 2 3 4 5
- Reports/journals about anger.                   0 1 2 3 4 5
- Reports/journals about high risk situations. 0 1 2 3 4 5

*Not at All. . .Very Much*

**SOCIAL SKILLS**

- Socially appropriate.                            0 1 2 3 4 5
- Appropriate social connectedness.            0 1 2 3 4 5
- Pleasant in conversation.                        0 1 2 3 4 5
- Non-hostile interaction.                         0 1 2 3 4 5
- Dresses appropriately.                           0 1 2 3 4 5
- Forms genuine bonds with others.             0 1 2 3 4 5
- Appropriate social network.                    0 1 2 3 4 5
- Appropriately helpful to others.              0 1 2 3 4 5

*Not at All. . .Very Much*