

SEX OFFENDER MANAGEMENT BOARD

ANNUAL LEGISLATIVE REPORT

*Evidence-Based Practices for the Treatment and Management of
Adults and Juveniles Who Have Committed Sexual Offenses*



A Report of Findings per 16-11.7-109(2) C.R.S.

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Executive Summary

Pursuant to Section 16-11.7-109 (2), Colorado Revised Statutes (C.R.S), this annual report presents findings from an examination by the Sex Offender Management Board (SOMB) of best practices for the treatment and management of adult sex offenders and juveniles who have committed sexual offenses.

To identify the most current research- and evidence-based practices to date within the field of sex offender treatment and management, the SOMB conducted a series of literature reviews in support of ongoing committee work and the development of this report.

Section 1: Research and Evidence-Based Practices

Within the field of sexual offender treatment and management, the interest in evidence-based practice is increasing. Establishing the degree to which provided services are effective is an essential part in improving public policies aimed at reducing the risk for future sexual re-offense by identified adult sex offenders and juveniles who have committed sexual offenses.

- *Impact of Pornography:* Research on the impact of pornography on society has revealed mixed results (Ferguson & Hartley, 2009). One of the most studied topics is whether or not pornography has had an effect on crime rates. Research generally agrees that pornography has not had a significant effect on sex crime rates, even though pornography consumption has increased over the last few decades (Carroll et al., 2008; Diamond, 2009; Ferguson & Hartley, 2009; Seto, Maric, & Barbaree, 2001). Another topic is whether or not pornography has increased acceptance of aggressive sexual acts and violence towards women. Pornography, especially violent pornography, has been shown to increase sexually aggressive thoughts and behaviors, including belief in rape myths, likelihoods to commit sexual assault, and increased acceptance of violence towards women (Davis, Norris, George, Martell, & Heiman, 2006; Foubert et al., 2011; Hald, Malamuth, & Yuen, 2009; Malamuth, Hald, & Koss, 2011, Seto et al., 2001; Wright, Tokunaga, & Kraus, 2015). Contemporary research has shown that, overall, pornography consumption is a risk factor for sex offenders (Kingston, Fedoroff, Firestone, Curry, & Dradford, 2008). For most sex offenders, however, there are some moderating factors which need to be present for this effect to exist (Davis et al., 2006; Hald et al., 2009). Another concern is how pornography viewing affects juveniles who may not have a good concept of what a healthy sexual relationship looks like. Given how prevalent internet access is, researchers state that it is not *if* juveniles will be exposed to pornography, but *when*. There are many concerns regarding sex offenders using pornography of any kind. The biggest concerns include the impact pornography can have on promoting attitudes supportive of violence against women (Davis et al., 2006; Foubert et al., 2011; Hald, Malamuth, & Yuen, 2009; Malamuth et al., 2011, Seto et al., 2001; Wright et al., 2015), along with potentially increasing sex offender recidivism (Foubert et al., 2011; Kingston et al., 2008). The SOMB will continue to follow the research on this controversial topic, incorporating into its work any new findings as these become available.

- Victim Centered Approach:* Both the *Adult and Juvenile Standards and Guidelines* have individual sections discussing the victim centered approach. The SOMB Victim Advocacy committee continues to provide input into all *Adult and Juvenile Standards and Guidelines* revisions to ensure that the victim voice is represented throughout the *Adult and Juvenile Standards and Guidelines*. Sexual violence is a prevalent problem in the United States. The National Intimate Partner and Sexual Violence Survey indicates that one in three women and one in six men experienced some form of contact sexual violence (including rape, sexual coercion, and/or unwanted sexual contact) (Smith, Chen, Basile, Gilbert, Merrick, Patel, Walling, & Jain, 2017). Research estimates that one in five women and one in 71 men will be raped at some point in their lives (Black, Basile, Breiding, Smith, Walters, Merrick, ... Stevens, 2011). While physical harm caused during an assault is easily seen, the psychological trauma is not always as obvious. Evidence of the psychological harm done by sexual assault has been researched extensively and is well-documented (Dworkin et al., 2017; Mason & Lodrick, 2013). Dworkin et al. (2017) examined studies spanning 40 years, including over 200,000 individual samples. They found that after a sexual assault, the victims experience a myriad of negative psychopathological symptoms. Symptoms include PTSD and other stressor-related disorders, depression (including suicidal ideations), anxiety, substance use, and other conditions (Dworking et al., 2017; Mason & Lodrick, 2013). The fact that sexual assault negatively impacts lives is well known. Not only are victims impacted, but the families of the victim and the offender are, too. Secondary victims of sex offenses are often the forgotten victims. Secondary victims can include non-victim children, non-offending parents, family members of the offender, and other individuals who are impacted by the offense (Bailey, 2017; Baker, Tanis, & Rice, 2002; Cyr, Frappier, Hébert, Tourigny, McDuff, & Turcotte, 2016; Cyr, Frappier, Hébert, Tourigny, McDuff, & Turcotte, 2018; Dyb, Holen, Steinberg, Rodriguez, & Pynoos, 2003; Grosz, Kempe, & Kelly, 2000; Levenson & Tewksbury, 2009; Schreier, Pogue, & Hansen, 2017; Tewksbury & Levenson, 2009). While sex offenses have been studied relatively thoroughly, secondary victims have not received as much attention (Schreier et al., 2017).
- Sexual Offending in the LGBTQ Community:* The lesbian, gay, bisexual, transgender, and questioning (LGBTQ) community has been largely understudied when it comes to the topic of sexual offending. The majority of research to date focuses on rates of victimization of gay, lesbian, bisexual, and transgender individuals, which has shown that they experience sexual assaults at higher rates than their heterosexual counterparts (Edwards et al, 2015; Johnson, Matthews, & Napper, 2016; Katz-Wise & Hyde, 2012; Martin, Fisher, Warner, Krebs, & Lindquist, 2011; Menning & Holtzman, 2014; Strotzer, 2009). In a study of sexual minority students (SMS) in college, Edwards et al. (2014) found that SMS were over two times more likely to report sexual victimization. Additionally, Edwards et al. (2014) found that SMS were also over two times more likely to report instances of domestic violence, with SMS females reporting the most instances. In their meta-analysis, Katz-Wise and Hyde (2012) found that approximately 29% of lesbian, gay, and bisexual individuals reported being the victims of sexual assault. The fact that LGBTQ individuals experience sexual assault at least as frequently as their heterosexual counterparts warrants more research on the topic, especially as it pertains to risk to reoffend in sex offenders and how to best address the victim's needs. Additionally, research needs to analyze sex offenders who do identify as LGBTQ in order to better understand their offending behavior. Research on interpersonal violence among the LGBTQ community provides good information on the differences in their relationships when compared to heterosexual couples, however it does not shed light directly on sexual offending. When it comes to the supervision and treatment of LGBTQ offenders, the evidence-supported Risk,

Needs, Responsivity (RNR) model should be incorporated in order to address the unique needs of this population.

- *Risk-Related Sexual Interests and Behavior Patterns*: The SOMB Best Practices Committee was asked to discuss the relevance of continuing to include the terms ‘deviant/sexual deviance’ in the *Adult and Juvenile Standards and Guidelines*. The current definition in the *Adult Standards and Guidelines* regarding deviancy focuses on Sexual Paraphilias and Sexual Deviance and uses the definition provided by the Diagnostic and Statistical Manual of Mental Disorders-IV (DSM-IV). The definition outlines the specific criteria for diagnostic purposes. The *Juvenile Standards* defines deviancy as a significant departure from the norms of society and behavior which is not normative, differing from an established standard. Several alternative terms were considered, including offense-related, problematic, unhealthy, and risk-relevant. The committee discussed how most of the disadvantages of each term can be addressed simply by providing a definition that is precise and comprehensive. Therefore, providing an accurate and inclusive definition is more important than how the term is interpreted at face value. The term “risk related sexual interests and behavior patterns” is intended to replace the term “sexual deviance.” The purpose behind this is to move away from a socially stigmatizing term, and replace it with one which that better captures the nature of the interest and behaviors exhibited. This change is consistent with contemporary research, much of which is also moving away from the term “sexual deviance.” Risk related sexual interest and behavior patterns is defined as “any sexual interest or behavior that is empirically linked to risk factors for sexual offending and abusive behavior as well as sexual interest(s) or behavior(s) that impair the individual’s ability to function as a healthy, pro-social member of the community.” Such factors include cognitive, emotional, or behavioral sexual patterns determined to be sexually abusive or sexually problematic. This may involve a disregard for negative consequences, the unmanaged need for instant gratification and a lack of impulse control. Such sexual interest or behavior may result in disruption(s) to other aspects of the offender’s life.

Section 2: Relevant Policy Issues and Recommendations

Relevant Policy Issues and Recommendations consist of a literature review of the empirical research on issues in sex offender management, policies, and practices. Specific policy issues are examined to highlight areas that may be of particular interest to the members of the general assembly. The following policy issues were identified by the SOMB for review:

- *Sex Offender Registration and Notification Act (SORNA)*: The passage of the Adam Walsh Act (AWA) (2006) repealed the requirements of The Jacob Wetterling Act (1994), which meant that states were no longer required by federal legislation to label certain sex offenders as Sexually Violent Predators (SVPs). Sex offender registration and notification was originally designed to inform the public of predatory and violent sex offenders who posed a significant threat to the community, and children specifically (Levenson, Grady, & Leibowitz, 2016). Classification systems that are not based on risk assessments generally do a poor job of accurately assessing risk to reoffend (Harris, Lobanov-Rostovsky, & Levenson, 2010; Levenson et al., 2016). Mislabeled sex offenders as higher risk than they actually are can contribute to loss of protective factors through social rejection (Levenson et al., 2016; Zgoba, Miner, Levenson, Knight, Letourneau, & Thornton, 2016). Mislabeled can also lead to wasted resources, as when lower-risk offenders are labeled as high risk, resulting in higher levels of supervision (Zgoba et al., 2016). A risk-based classification system to identify the highest risk sex offenders and

provide community notification about these high-risk offenders is supported by research (Levenson et al., 2016; Zgoba et al., 2016). The AWA does not require the use of risk-based assessment, but does allow it to be used as an additional component to the offense-based classification system.¹

Recommendations:

- 1) Move to a three tier risk level system in lieu of SVP designation (based on risk assessment).
 - 2) Recognize that risk is dynamic and tier levels (or SVP status) should be changed based on changes in risk level.
- Registration of Juveniles Who Have Committed Sexual Offenses

The registration of juveniles who are adjudicated of sexual offenses has come under question in many states, with concerns that the associated collateral consequences hinder the therapeutic process and potentially decrease community safety. The registration requirements imposed on many juvenile offenders have been shown to increase risk factors and negatively impact protective factors (Batastini, Hunt, Present-Koller, & DeMatteo, 2011; Harris, Walfield, Shields, & Letourneau, 2016). Additionally, efforts that attempt to manage treating juveniles adjudicated of sex offenses like adult sex offenders has raised concerns about the potential negative impacts on adolescent development (Batastini et al., 2011). There are many differences between adult and juvenile offenders, including financial independence, brain development, and reliance on others. One component of this distinction is the information related to the juvenile offender that is made available to the public (Batastini et al., 2011). Allowing the public to access juvenile registry information can disrupt the juvenile's life at school and at home, often contraindicating the therapeutic goals set by the multidisciplinary team supervising the juvenile (Batastini et al., 2011; Harris et al., 2016; Stevenson, Smith, Sekely, & Farnum, 2013b). Juveniles who were subject to notification laws were more likely to develop mental health problems, more likely to be harassed, and more likely to have unstable living situations (Harris et al., 2016; Letourneau, Harris, Shields, Walfield, Ruzicka, Buckman, ..., Nair, 2018). Research has also found that registered juveniles are four times more likely to attempt suicide than non-registered juveniles (Letourneau et al., 2018). Public access to specific information can also negatively affect the juvenile's family, particularly if the victim is a family member. This family stress can undermine the protective factors that are offered by family support (Batastini et al., 2011; Harris et al., 2016; Stevenson et al., 2013b). While some of the juveniles on the registry are a danger to the community, with approximately 15% of juvenile registrants having committed a forcible sexual assault (Stevenson et al., 2013a; Stevenson et al., 2013b), researchers estimate that the majority of the juveniles who are high risk to reoffend, both as juveniles or as adults, are not identified by the current risk identified in state statutes (Batastini et al., 2011).

Recommendations:

- 1) Make juvenile registry information a law enforcement only tool that is non-public (do not include juveniles on the lists provided by law enforcement)

¹ Offense-Based Classification System: System where offender classification is based on the conviction offense.

- 2) For those who are eligible, a hearing for discontinuation from the registry will automatically be set at the time of successful completion from supervision. All notifications including those required by the Victim Rights Amendment must be made with time allowed for responses prior to vacating the hearing. This hearing can be vacated if there are no objections.
- 3) Change the threshold for release from registration - instead of “more likely than not,” release from registry should be contingent on being found to be low risk to commit a sex offense as evidenced by clinical indicators
- 4) Improve sentencing procedures to increase the information provided and expand judicial discretion concerning registration, including developing criteria that an evaluator can use to make a recommendation for no registration
- 5) Remove the ineligibility to petition for release after additional adjudication for a new sex offense
- 6) Remove requirement for out-of-state juveniles to register if the originating state has already relieved the juvenile from registration requirements
- 7) Consider allowing a juvenile access to court-appointed counsel for relief from registration

Section 3: Milestones and Achievements

The SOMB established the SOMB Strategic Action Plan in March, 2014. Over the last four years, the SOMB Strategic Action Plan has driven change and enhanced collaboration between stakeholders. Throughout 2018, the SOMB has accomplished all of its strategic goals through collaboration with multiple stakeholders. As of December, 2018, all strategic action items identified were completed but for one remaining component of Section 5.700 regarding victim clarification, contact, and reunification. The draft for this section has been completed by the Victim Advocacy Committee and will be submitted for approval to the SOMB in January, 2019 for final Board approval in February, 2019. Moving forward, the Board intends to focus on Board and committee procedure to ensure a consistent and streamlined process. To help with this, the Board has retained an outside party to observe and make recommendations on the Board decision making process, specifically. Additionally, the Board has focused on incorporating the directives made by House Bill 18-1198² and Former Governor Hickenlooper, including having Board members sign a conflict of interest disclosure agreement, Board training, evaluating the Board decision making process, and ensuring adherence to best practices. Additionally, the SOMB is reviewing its implementation practices to ensure all new standards are followed to fidelity. The following highlights some of the many additional achievements of the SOMB in 2018:

- **Managed 12 SOMB committees** that functioned at some point during 2018. Several of these committees were convened in 2014 to address specific projects related to the strategic plan, such as the Adult Standards Revision Committee and Best Practices Committee.
- Hosted one On-The-Road Board meetings in 2018 to reach stakeholders outside of the Denver Metro area. The meeting was held in Breckenridge.
- Held an open forum Board meeting for interested stakeholders including members of the public to present concerns at an SOMB meeting.

² Best Practices For State Boards and Commissions, Colorado House Bill 18-1198 (2018)

- **Conducted 53 trainings to over 2,900 attendees** from across Colorado in calendar year 2018. These trainings covered a range of topics related to the treatment and supervision of individuals convicted of or adjudicated for sexual offenses. The SOMB also held its 12th annual statewide conference in Breckenridge, Colorado that offered three consecutive days of training for providers, probation officers, law enforcement, victim representatives, and many other stakeholder groups. Presentations were conducted on a variety of topics, including domestic violence and sex offending cross-over, juveniles and cyber security, sex trafficking, and the impact of pornography on youth.
- **Implemented monthly Lunch and Learns.** On a monthly basis, SOMB staff hosts a virtual, one-hour technical assistance session for providers. This allows staff to update providers on recent changes to the *Adult and Juvenile Standards and Guidelines* as well as allowing professionals to have questions answered.
- Handled a large number of technical assistance requests. For example, **between October 1, 2018, and October 31, 2018, SOMB staff received 209 calls for technical assistance**, including ARC complaint and variance questions, application inquiries, *Adult and Juvenile Standards and Guidelines* interpretation questions and consultations, and training inquiries.
- Supported several community notifications of Sexually Violent Predators (SVP's) by providing ongoing technical assistance to law enforcement around the state.
- The Application Review Committee conducted **three Standards Compliance Reviews in 2018**, which review pertinent provider files to assess service provider compliance with the *Adult and Juvenile Standards and Guidelines*.
- **Received 15 complaints during 2018** made against approved providers, and disposed of eight cases. During 2018 there was one founded complaint. Currently, there are 5 cases still open and under investigation (see Appendix C).
- Voted on 24 motions during the course of 2018. As a rule, motions are only proposed in the affirmative, meaning there has to be some support for the motion. The Board has a thorough discussion where all points of view are heard prior to voting on an issue. On average, 88% of approved motions were passed. Winning votes (either approve or oppose) were typically won by a large majority (average of 88% of total Board member votes). Only three votes were by less than a 15% margin. In general, the Board votes homogenously on issues, with few instances of gridlocked votes (see Appendix F).
- Developed a **white paper on adult male sex trafficking offenders** (see Appendix B).
- Modified the requirements for contact with children including **revising the Child Contact Screening process**. The new process allows evaluators to use existing information to assess an offender's appropriateness for contact with children in lieu of a separate assessment instrument.
- Developed and implemented a **new adult sexual behavior disclosure packet** which requires more collaborative therapeutic interaction between the offender and treatment provider.

- Continued to provide SOMB members and other interested stakeholders with research and literature, including literature reviews in preparation for any *Adult and Juvenile Standards and Guidelines* revisions, trainings by national leaders in the field for Colorado stakeholders, and research and best practice presentations as part of SOMB meetings.
- Published the 2019 SOMB Annual Legislative Report and the 2018 Lifetime Supervision of Sex Offenders Annual Report, in addition to a report analyzing data on complaints submitted to the SOMB (see Appendix C) and an analysis on Board voting patterns from 2014 through 2018 (see Appendix F).

Introduction

Purpose

Pursuant to Section 16-11.7-109 (2), C.R.S.,³ this annual report presents findings from an examination by the Sex Offender Management Board (SOMB) of best practices for the treatment and management of adult sex offenders and juveniles who have committed sexual offenses. This report fulfills the statutory mandate by providing:

1. A summary of emerging research- and evidence-based practices regarding evaluation, assessment, treatment and supervision strategies in the field of sex offender management; and
2. A review of policy issues affecting the field of sex offender management that the Legislature may wish to review for potential statutory change.

Additionally, this report documents the 2018 achievements and current efforts being undertaken by the SOMB.

Background of the Sex Offender Management Board

In 1992, the Colorado General Assembly passed legislation (Section 16-11.7-101 through Section 16-11.7-107, C.R.S.) that created a Sex Offender Treatment Board to develop *Standards and Guidelines for the Assessment, Evaluation, Treatment and Behavioral Monitoring of Adult Sex Offenders* (henceforth referred to as the *Adult Standards and Guidelines*). The General Assembly changed the name to the Sex Offender Management Board (SOMB) in 1998 to more accurately reflect the duties assigned to the SOMB. The *Adult Standards and Guidelines* were originally drafted by the SOMB over a period of two years and were first published in January 1996. The *Adult Standards and Guidelines* applied to convicted adult sexual offenders under the jurisdiction of the criminal justice system. From the beginning, the *Adult Standards and Guidelines* were designed to establish a basis for systematic management and treatment of adult sex offenders. The legislative mandate to the SOMB and the primary goals of the *Adult Standards and Guidelines* are the safety of the community and the protection of victims. The *Adult Standards and Guidelines* were revised in written form in 1998, 1999, 2008, 2011, and 2017.

In 2000, the Colorado General Assembly amended and passed legislation (16-11.7-103, C.R.S.) that required the SOMB to develop and prescribe a standardized set of procedures for the evaluation and identification of juveniles who committed sexual offenses. The *Standards and Guidelines for the Evaluation, Assessment, Treatment and Supervision of Juveniles Who Have Committed Sexual Offenses*

³ C.R.S. 16-11.7-109 (2): On or before January 31, 2012, and on or before January 31 each year thereafter, the board shall prepare and present to the judiciary committees of the senate and the house of representatives, or any successor committees, a written report concerning best practices for the treatment and management of adult sex offenders and juveniles who have committed sexual offenses, including any evidence based analysis of treatment standards and programs as well as information concerning any new federal legislation relating to the treatment and management of adult sex offenders and juveniles who have committed sexual offenses. The report may include the board's recommendations for legislation to carry out the purpose and duties of the board to protect the community.

(henceforth referred to as the *Juvenile Standards and Guidelines*) was first published in 2003, and subsequently revised in 2008, 2011, 2014, and 2017. As with the *Adult Standards and Guidelines*, the *Juvenile Standards and Guidelines* continue to hold public safety as a priority, specifically the physical and psychological safety of victims and potential victims.

Both the *Adult* and *Juvenile Standards and Guidelines* are now continuously revised in real time on the SOMB website, updating each section with new changes as they are approved. Between 2011 and 2018, a number of revisions have been made to each document. These revisions are addressing omissions in the prior versions and continue to incorporate the growing literature on sex offender treatment and management.

The *Adult* and *Juvenile Standards and Guidelines* are both specifically designed to establish a framework for the systematic risk management, assessment, and clinical treatment of adult sex offenders and juveniles who have committed sexual offenses. Both the *Adult* and *Juvenile Standards and Guidelines* support a comprehensive range of therapeutic modalities and interventions for identified treatment needs, along with behavioral monitoring strategies for improved supervision based on risk level. This systemic approach fulfills a two-fold purpose: (1) managing and reducing sexually abusive risk behavior, while also (2) promoting protective factors that enable an offender's success.

The *Adult* and *Juveniles Standards and Guidelines* support a coordinated approach in which a Community Supervision Team (CST) for adult sex offenders, or a Multi-Disciplinary Team (MDT) for juveniles who have committed sexual offenses, provide an individualized treatment and supervision plan that targets both psycho-social deficits and potential risk factors, while concurrently building upon the resiliency and positive traits inherent in the person. To be effective, this approach must include interagency and interdisciplinary teamwork. The CST and MDT commonly consist of a supervising officer, treatment provider, victim representative, polygraph examiner, and other adjunct professionals, where applicable. CST and MDT members, independent of each other, possess critical expertise and knowledge that once shared can enable improved decision-making among the team. This enhances not only public safety but the supervision and accountability of the individual under supervision.

The *Adult* and *Juvenile Standards and Guidelines* are based on research and best practices for managing and treating adult sex offenders and juveniles who have committed sexual offenses. To the extent possible, the SOMB has based the *Adult* and *Juveniles Standards and Guidelines* on evidence-based practices in the field. However, the specialized field of sex offender management and treatment is still developing and evolving. Professional training, literature reviews, and documents from relevant professional organizations have also been used to direct the *Adult* and *Juveniles Standards and Guidelines*. The SOMB will continue to modify the *Adult* and *Juveniles Standards and Guidelines* periodically on the basis of new empirical findings.

In part, the SOMB stays current on research through the work of its active committees. These committees meet on a regular basis and report back to the SOMB to inform potential modifications to the *Adult* and *Juvenile Standards and Guidelines*. The following is a list of the SOMB committees:

1. Adult Community Supervision Standards Revisions Section 5.700 Committee
 - 1.1. Child Contact Screening Workgroup
2. SOMB Executive Committee
3. Juvenile Standards Revision Committee
4. Best Practices/Treatment Provider Committee
5. Victim Advocacy Committee
6. Application Review Committee
7. Training Committee (in Collaboration with the Domestic Violence Offender Management Board)
8. Family Support and Engagement Committee
9. Sex Offender Registration Legislative Work Group
10. Sex Trafficking Workgroup
11. Community Notification Technical Assistance Team

Report Organization

This annual legislative report consists of four sections. The first section provides a summary of the current and relevant literature concerning research and evidence-based practices. The second section highlights relevant policy issues. The third section highlights the 2018 achievements of the SOMB. This section will include priorities identified by the SOMB, which will be addressed in 2019. The fourth and final section provides the future goals and directions of the SOMB.

Section 1: Research and Evidence Based Practices

The Impact of Pornography

The pornography industry has been steadily growing over time and several years ago was estimated to be a 13-billion-dollar industry (Bridges, Wosnitzer, Scharrer, Sun & Liberman, 2010; Foubert, Brosi, & Bannon, 2011). Pornography makes up 25% of all internet searches (Carroll, Padilla-Walker, Nelson, & Olson, 2008; Darnell, 2015) and is viewed mostly by men between the ages of 18 and 25 (Foubert et al., 2011). With most people having internet access, pornography is readily available to “virtually anyone” and often for free (Darnell, 2015). Approximately 67% of adult men and 49% of adult women agree that viewing pornography is acceptable (Carroll et al., 2008). Pornography has become more extreme over the last several decades with producers trying to be more “edgy” (Foubert et al., 2011). This edginess includes increased violence, more degrading acts, and younger women and girls being used in scenes (Foubert et al., 2011). There is also evidence that pornography studios use human trafficking as a way of find more women and girls (Foubert et al., 2011).

Research on the impact of pornography on society has revealed mixed results (Ferguson & Hartley, 2009). One of the most studied topics is whether or not pornography has had an effect on crime rates. Research generally agrees that pornography has not had a significant effect on sex crime rates, even though pornography consumption has increased over the last few decades (Carroll et al., 2008; Diamond, 2009; Ferguson & Hartley, 2009; Seto, Maric, & Barbaree, 2001). Another topic is whether or not pornography has increased acceptance of aggressive sexual acts and violence towards women. Aggression is any “purposeful action causing physical or psychological harm to oneself or another person” (Bridges et al., 2010). Pornography, especially violent pornography, has been shown to increase sexually aggressive thoughts and behaviors, including belief in rape myths, likelihoods to commit sexual assault, and increased acceptance of violence towards women (Davis, Norris, George, Martell, & Heiman, 2006; Foubert et al., 2011; Hald, Malamuth, & Yuen, 2009; Malamuth, Hald, & Koss, 2011; Seto et al., 2001; Wright, Tokunaga, & Kraus, 2015).

Violence in Pornography

In their meta-analysis of 22 studies, Wright et al. (2015) examined over 20,000 samples to identify what effects, if any, pornography had on individuals. Results indicated that **pornography consumption was correlated with heightened risk for sexual aggression**. More specifically, pornography consumption was associated with verbal and physical aggression. The association was stronger for verbal aggression, however the authors note that this could include coercion to obtain sex, which is by definition sexual violence. Additionally, the authors found that nonviolent pornography, not just violent pornography, was associated with sexual aggression. The authors hypothesize that this is either because pornography may “desensitize” consumers to acts of violence or because even nonviolent pornography is degrading. Results also indicated that viewers of violent pornography were more likely to commit acts of sexual aggression, contrary to theories suggesting pornography can be a

vicarious method of sexual release. The authors do note the importance of individual differences among pornography consumers and the effect these differences have.

The degrading and violent nature of mainstream pornography is quite obvious. Degrading pornography can be defined as “sexually explicit materials that depict people (usually women) as submissive or hypersexual beings who experience sexual pleasure despite being in degrading or humiliating circumstances” (Seto et al., 2001). Bridges et al. (2010) found that, of the 304 most popular pornographic scenes they reviewed (both online and rented videos), **90% depicted some form of physical or verbal violence**. Physical violence was present in 88% of all scenes including pushing, shoving, biting, pinching, hair pulling, spanking, open-hand slapping, gagging, choking, threatening or use of a weapon, kicking, punching, bondage, or torture/mutilation. Verbal violence was present in 49% of all scenes and included name-calling, insulting, and threatening physical harm. Of this behavior, 94% was directed toward women and women responded positively to these behaviors in 95% of scenes. Bridges and colleagues identified four responses to sexually aggressive behaviors:

- a) the target (woman) expresses pleasure or has a neutral reaction;
- b) the target (woman) expresses displeasure which the perpetrator (man) ignores;
- c) the target (woman) expresses displeasure which the perpetrator acknowledges and responds with a positive act;
- d) the target (woman) expresses displeasure which the perpetrator acknowledges and responds with a negative act (punishment).

Other research has found that women appearing to be aroused during the forced sexual interaction increased men’s sexual arousal to rape (Seto et al., 2001). Only 10% of these scenes had healthy interactions between the actors, however, even these scenes contained some acts of aggression (Bridges et al., 2010).

The effect of pornography on convicted sex offenders has also been debated in research. Contemporary research has shown that, overall, **pornography consumption is a risk factor for sex offenders** (Kingston, Fedoroff, Firestone, Curry, & Dradford, 2008). More specifically, pornography depicting deviant acts and pornography showing acts of violence increase recidivism in sex offenders (Kingston et al., 2008). For most sex offenders, however, **there are some moderating factors which need to be present for this effect to exist** (Davis et al., 2006; Hald et al., 2009). Moderating factors for participating in sexual violence most commonly refer to a predisposition for sexual aggression and other anti-social traits, reflected in negative attitudes towards women, general criminality, and violent behavior (Davis et al., 2006; Hald et al., 2009; Kingston et al., 2008). For high risk sex offenders and those who have previously committed an act of sexual aggression, this effect is even greater (Foubert et al., 2011). Specifically, recidivism was 22% for violent offending and 11% (not statistically significant) for sex offending (Kingston et al., 2008). This effect is much higher when viewing deviant pornography, increasing violent recidivism by 185% and sexual recidivism by 233% (Kingston et al., 2008). In addition to increased recidivism rates, pornography reinforces negative cognitive distortions that objectify and degrade victims by increasing acceptance of rape myths and violence against women (Foubert et al., 2011; Hald et al., 2009; Malamuth et al., 2011; Seto et al., 2001; Wright et al., 2015). As noted above, research indicates that for individuals who already have a propensity for sexual aggression or violent behavior, viewing pornography can lead to an even greater

increase in sexual aggression compared to those who do not have a propensity for sexual aggression (Kingston et al, 2008). This effect is stronger for those who have previously committed an act of sexual aggression or sexual assault (Foubert et al., 2011).

Approximately 17% of sex offenders use pornography during the commission of their sexual offense (Langevin & Curnoe, 2004). Some offenders may use non-pornographic materials to promote their sexual interests, both serving the same purpose (Marshall, 2000). Additionally, the pornography use may be an indication of sexual preoccupation and use may present with other behavioral issues that need to be addressed in treatment (Marshall, 2000). Some suggest that pornography could be a tool to use in sex offender treatment, although this view is controversial. Darnell (2015) states that in order for pornography use to be effective in therapy, such as realigning masturbatory fantasies, the individual must be emotionally engaged in what they are consuming. Given the negative behaviors displayed in modern pornography, it is difficult to imagine viewing pornography as creating any positive emotional associations when masturbating.

Juveniles and Pornography

Another concern is how pornography viewing affects juveniles who may not have a good concept of what a healthy sexual relationship looks like. Given how prevalent internet access is, researchers state that *it is not if juveniles will be exposed to pornography, but when*. Approximately 42-55% of youth between the ages of 10 and 17 were exposed to online pornography, with 66-84% having unwanted or inadvertent exposure (Braun-Courville, & Rojas, 2009; Bryant, 2010; Burton, Leibowitz, & Howard, 2009; Peter & Valkenburg, 2016). In general, boys are more likely than girls to be exposed to pornography both inadvertently and intentionally (Braun-Courville & Rojas, 2009; Bryant, 2010). When male youth were asked why they intentionally accessed pornography, 49% stated it was for masturbation purposes, 40% stated it was out of curiosity, and 29% stated they did it because it was “cool” (Bryant, 2010). Girls reported that 55% accessed pornography out of curiosity and 19% accessed pornography because it was “cool” (Bryant, 2010). Similarly, Braun-Courville and Rojas (2009) found that 50% of their sample of 433 American youth accessed pornography out of curiosity, 46% were accidentally exposed, and 17% were seeking information on sexual interactions. These reports are concerning as they indicate *that youth are turning to unrealistic depictions of sexual intercourse to learn more about sexual relationships*. Juveniles who actively sought out pornography were more likely to have high sensation-seeking characteristics in addition to exhibiting rule-breaking behavior (Bryant, 2010). General pornography use was also associated with riskier behaviors, such as multiple sexual partners, sexual intercourse at younger ages, and engaging in drug and alcohol use (Braun-Courville & Rojas, 2009; Bryant, 2010).

Research found that exposure to violent pornography was associated with higher risk for aggression, the potential for male youth to view women as sexual objects, and an increase in sexual assault and harassment both online and in-person (Bryant, 2010; Peter & Valkenburg, 2016). There are several mediating factors in this association and it is unlikely that violent pornography by itself causes these behaviors, however, it does appear to exacerbate pre-existing tendencies and behaviors, most specifically antisocial personalities, sexual deviance, and hyper-masculinity (Bryant, 2010). In other words, while pornography did not cause these issues, it is still harmful (Bryant, 2010).

Juveniles who have been adjudicated for a sexual offense are more likely than non-sex offending delinquents to have been exposed to pornography and at higher rates (Burton et al., 2009). In their sample of sex offending and non-sex offending incarcerated youth, 50% reported having been

exposed to pornography before 10 years old and almost all reported being exposed after 10 years of age. Specifically, of sex offending youth compared to non-sex offending delinquent youth, 79% reported having seen adults having sex in movies, 42% reported having seen naked adults online, and 31% reported having seen adults having sex online, all before the age of 10 (Burton et al., 2009). After the age of 10, 94% of sex offending youth reported seeing adults naked in movies, 91% reported seeing adults having sex in movies, 64% reported seeing adults having sex online, and 34% reported seeing adults forcing other adults to have sex in movies (Burton et al., 2009). Exposure to pornography was significantly correlated with arousal to males under the age of 12 (which is a risk for reoffending), arousal to sadism and masochism, and arousal to both boys and girls aged 13 to 18 (Burton et al., 2009). It should be noted that in sex offending youth, exposure to forceful pornography was not associated with forceful offenses (Burton et al., 2009).

SOMB Standards and Guidelines

Given these findings, the Sex Offender Management Board (SOMB) published information on the subject, as it pertains to sex offenders, in Appendix D of the *Adult Standards and Guidelines*. This appendix cautions against the use of pornography and sexually explicit materials due to the potentially harmful impact it may have on sex offender treatment and supervision. Recently, the Colorado Judicial Department amended the terms and conditions of probation for sex offenders, based on recent court cases, to allow internet access, including access to sexual stimulating material, and the patronization of adult entertainment venues, unless prohibited by the Court. The SOMB is working to address how to provide the court with information to make such a decision in the *Adult and Juvenile Standards and Guidelines*.

There are many concerns regarding sex offenders using pornography of any kind. The biggest concerns include the impact pornography can have on promoting attitudes supportive of violence against women (Davis et al., 2006; Foubert et al., 2011; Hald et al., 2009; Malamuth et al., 2011, Seto et al., 2001; Wright et al., 2015), along with potentially increasing sex offender recidivism (Foubert et al., 2011; Kingston et al., 2008). The SOMB will continue to follow the research on this controversial topic, incorporating into its work any new findings as these become available.

Victim Centered Approach in the Adult and Juvenile Standards

Both the *Adult and Juvenile Standards and Guidelines* have individual sections discussing the victim centered approach. Section 8.000 of the *Adult and Juvenile Standards and Guidelines* discusses how the Community Supervision Team (CST) is required to apply a victim centered approach to the supervision and treatment of sex offenders. Specifically, the *Adult and Juvenile Standards and Guidelines* state that:

“A victim centered approach means that the needs and interests of victims require paramount attention by professionals working with sexual offenders. Individuals and programs working with sexual offenders should always have the victim and potential victims in mind. This means a commitment to protecting victims, not re-victimizing, being sensitive to victim issues and responsive to victim needs. A victim centered approach requires an avenue to receive victim input and provide information to victims. This balanced approach has many benefits, including improved treatment and supervision of the offender, increased accountability, enhanced support for victims and a safer community.

Collaboration and information sharing enhances the supervision team's ability to maintain a victim centered approach. Understanding these offenses from the perspective of the victim is important to comprehend the gravity of the offending behavior and see the full picture. Awareness of the impact of sexual assault is necessary for providers to operate with a victim centered approach. Professionals must recognize the harm done to victims, and apply this knowledge, to work effectively with offenders to internalize and demonstrate long term behavioral change. The impact to the victim informs and guides the decision-making process and assists professionals in prioritizing the safety and needs of victims of sexual crimes.”

The SOMB Victim Advocacy Committee continues to provide input into all *Adult and Juvenile Standards and Guidelines* revisions to ensure that the victim voice is represented throughout the *Adult and Juvenile Standards and Guidelines*. The Victim Advocacy Committee offers input into *Adult and Juvenile Standards and Guidelines* revisions to ensure that they are being crafted in ways that are sensitive to the needs of victims. The SOMB Victim Advocacy Committee collaborated with The Colorado Coalition against Sexual Assault (CCASA) and The Blue Bench in obtaining a Victims of Crime Act Fund (VOCA) grant. The objective of this grant is to provide the resource of victim representation on Multi-Disciplinary Teams and Community Supervision Teams. This pilot project takes place in the 1st Judicial District, utilizing employees of The Blue Bench. This program is currently ongoing, with hopes of implementing its success state-wide. In 2019, a second position is being added under this grant in the 2nd Judicial District. In 2018, the Victim Advocacy Committee reviewed and provided input for various *Adult and Juvenile Standards and Guidelines* revisions. In particular, the Committee drafted language related to contact with children, and clarification, contact, and reunification with victims (Section 5.700). Finally, the Committee continues to also provide feedback to various other SOMB Committees on their work to ensure it is victim-centered, and to provide education to the SOMB on victim issues.

The victim centered approach used in the *Adult and Juvenile Standards and Guidelines* is important because so many individuals are impacted by sexual offenses, including primary victims and secondary victims. **Maintaining the victim centered approach ensures that the best interest of these victims is promoted.**

This section is intended to provide a review of the literature that underscores the relevance of the victim centered approach to the work of the SOMB and its stakeholders. Addressed first is the prevalence of sexual victimization, and this is followed by an overview of rape myths and false reporting. The final discussions focus on the impact of sexual assault on the primary victim, and on secondary victims.

Prevalence of Sexual Victimization

Sexual violence is a prevalent problem in the United States. The National Intimate Partner and Sexual Violence Survey indicates that **one in three women and one in six men experienced some form of contact sexual violence** (including rape, sexual coercion, and/or unwanted sexual contact) (Smith, Chen, Basile, Gilbert, Merrick, Patel, Walling, & Jain, 2017). Research estimates that one in five women and one in 71 men will be raped at some point in their lives (Black, Basile, Breiding, Smith, Walters, Merrick, ... Stevens, 2011). Women are most likely to be raped by current or former intimate partners (47%) (Smith et al., 2017). Adults between the ages of 18 and 34 are most likely to be victims of sexual assault compared to other age groups (Department of Justice, 2017). Male-on-male sexual

assault accounts for 5-10% of all sexual assaults (McLean, 2013). Male victims of sexual assault experience more gang rapes and are more likely to be victims of object penetration than women (McLean, 2013). Male victims are also more likely to deny their sexual assault for fear of being perceived as less masculine, resulting in suicidal ideations and severe distress (McLean, 2013). Research estimates that one in four girls and one in six boys are sexually abused before they turn 18 (Statistics About Sexual Violence, 2015). The most frequent age for sexual victimization was ages 14 to 17 (Finkelhor, Turner, Ormrod, & Hamby, 2018). Additionally, sexual assaults have long-lasting negative impacts on victims, including conditions like post-traumatic stress disorder (PTSD), depression, and disruption in day-to-day life (Dworkin, Menon, Bystrynski, & Allen, 2017; Mason & Lodrick, 2013). They also have negative impacts on secondary victims, including the victim's family as well as the offender's family (Baker, Tanis, & Rice, 2002; Grosz, Kempe, & Kelly, 2000; Schreier, Pogue, & Hansen, 2017).

Research shows that victims are reluctant to report sexual assaults (Beaver, 2017; Hayes, Abbott, & Cook, 2016; Langton & Sinozich, 2014; Rennison & Addington, 2014; Yung, 2015). Underreporting of sexual assaults occurs for a variety of reasons, but according to the research, the most common reasons are because the victim did not know he or she was victimized, the victim did not think anyone would believe they were victimized (especially if drugs or alcohol were involved and the victim is under age 21), and fear of backlash for reporting (Beaver, 2017; Hayes et al., 2016; Rennison & Addington, 2014; Yung, 2015). In general, college-aged women are less likely to report their victimization, either to law enforcement or the institution they are attending (Rennison & Addington, 2014). Interestingly, victims are more likely to report sexual assaults if the offender was a stranger, if a weapon was used, if there were multiple offenders, or if injury was caused by the sexual assault (Addington & Rennison, 2008). **Research estimates that only 19-31% of rapes and sexual assaults are reported to law enforcement**, either by the victim or someone else (Addington & Rennison, 2008; Marchetti, 2012; Department of Justice, 2017). Children are also unlikely to report their victimization (Kilpatrick, Saunders, & Smith, 2012). Approximately **86% of sexual assaults against children go unreported** (Kilpatrick, Saunders, & Smith, 2012). Children are unlikely to report intrafamilial sexual abuse, with only 31% of intrafamilial sexual assault reported to authorities (Kilpatrick, Saunders, & Smith, 2012; Langton, Berzofsky, Kerbs, & Smiley-McDonald, 2012; Paige & Thornton, 2015). Reasons for not reporting, or delays in reporting, include fears of not being believed, shame, fear of harm to themselves or others, fear of breaking up a family, and fear of the offender getting in trouble (McElvaney, Greene, & Hogan, 2014).

Rape Myths and False Reporting

Rape myths are false beliefs that shift the blame of rape from perpetrators to victims (Suarez & Gadalla, 2010), suggesting that the victim should or could have done something to prevent the assault. Furthermore, society frequently has a false concept of "real rape": a forcible rape of an innocent woman by a stranger who wielded a weapon (Addington & Rennison, 2008; Mason & Lodrick, 2013; McLean, 2013). Under this paradigm, the victim must prove that they did not consent to the sexual act, regardless of the specific situation (Addington & Rennison, 2008). Male victims of sexual assault often deal with additional impacts due to societal constructs, and experience their own form of rape myth (McLean, 2013; O'Leary, Easton, & Gould, 2017). These include beliefs that men cannot be raped because they should be able to physically resist, that their masculinity is diminished due to the sexual assault, and that it is their fault (McLean, 2013).

OUT OF EVERY 1000 RAPES, 994 PERPETRATORS WILL WALK FREE

310 are reported to policeⁱ



57 reports lead to arrestⁱⁱ



11 cases get referred to prosecutorsⁱ



7 cases will lead to a felony convictionⁱⁱⁱ



6 rapists will be incarceratedⁱⁱⁱ



RAINN

National Sexual Assault Hotline | 800.656.HOPE | online.rainn.org
Please visit rainn.org/statistics/criminal-justice-system for full citation.¹

There is an erroneous belief that many women make false sexual assault allegations for a variety of reasons, such as drinking or regretting having sex with someone or wanting to get revenge (Weiser, 2017). Research speculates that this may have to do with a societal belief that women lie about sexual assaults in order to gain attention or escape consequences (Weiser, 2017). In order for an allegation to be considered a false report, “a thorough investigation must yield evidence that a crime did not occur” (Lisak, Gardinier, Nicksa, & Cote, 2010). Results of several studies and meta-analyses have found that of all reported sexual assaults, only between 2 and 11% are false reports (Ferguson & Malouff, 2016; Lisak et al., 2010; Weiser, 2017). However, given the high percentage of unreported sexual assaults, the proportion of false allegations is likely much smaller (Weiser, 2017).

Impact of Sex Offenses on Primary Victims

The fact that sexual assault negatively impacts lives is well known. Not only are victims impacted, but the families of the victim and the offender are, too.

While physical harm caused during an assault is easily seen, the psychological trauma and the violation caused by the assault is not always as obvious. Evidence of the psychological harm done by sexual assault has been researched extensively and is well documented (Dworkin et al., 2017; Mason & Lodrick, 2013). Dworkin et al. (2017) examined studies spanning 40 years, including over 200,000 individual samples. They found that after a sexual assault, the **victims experience a myriad of negative psychopathological symptoms**. Symptoms include PTSD and other stressor-related

disorders, depression (including suicidal ideations), anxiety, substance use, and other conditions (Dworking et al., 2017; Mason & Lodrick, 2013). Other research has also highlighted the generalized distress a sexual assault can cause in many aspects of the victim's life, including social adjustment, sexual functioning, and disruption in other areas of life (Mason & Lodrick, 2013). In addition to these psychological factors, many victims also experience feelings of self-blame, fear, embarrassment, and other negative emotions (Mason & Lodrick, 2013). Like women, men experience high rates of depression, suicidal ideations, and self-harm (O'Leary et al., 2017). Male victims also experience feelings of inferiority and worthlessness associated with the social construct of masculinity (O'Leary, 2017). After a sexual assault, male victims often feel as if though they need to prove their masculinity because they do not "measure up" to the perceptions of masculinity (O'Leary et al., 2017). An additional factor, rarely considered, is the economic burden of sexual victimization. Peterson, DeGue, Florence, and Lokey (2017) estimate the lifetime financial cost of a rape, per victim, was approximately \$122,461. This figure includes cost from criminal justice activities, lost work, medical costs, property damage, among other costs (Peterson et al., 2017).

Perpetrators of child sexual abuse are most likely to be someone the child knows (Kilpatrick, Saunders, & Smith, 2012). This victimization typically includes a grooming process, during which the child is made to believe they are safe with the offender (Bennet & O'Donohue, 2014). This often includes the giving of gifts, convincing the child that the offending behavior is "normal", or threatening the child (Bennet & O'Donohue, 2014). In intra-familial sexual abuse cases, **the child often feels guilty for reporting the family member because of the negative impact on the family** (McElvaney et al., 2014). Children who are victims of child sexual abuse are at increased risk for developing psychiatric disorders after the abuse (Pérez-Fuentes, Olfson, Villegas, Morcillo, Wang, & Blanco, 2013). These include major depressive disorder, bipolar disorder, panic disorder, PTSD, and conduct disorder, among others (Pérez-Fuentes et al., 2013). Child victims may also experience fear of revictimization, intimacy difficulties later in life, including forming and maintaining relationships (Pérez-Fuentes et al., 2013).

In the case of intrafamilial child sexual abuse, there are additional negative impacts. **Intrafamilial child sexual abuse is a fundamental betrayal of the relationship between the child and offending family member** (Paige & Thornton, 2015). The abuse also negatively impacts the relationship the child has with non-offending family members (Paige & Thornton, 2015). Paige and Thornton (2015) interviewed 35 victims of intrafamilial child sexual abuse and conducted an analysis to find common themes regarding the victimization. Although the sample size is relatively small, the results were quite powerful. Paige and Thornton (2015) found that majority of victims had three specific desires after the abuse. Firstly, there was a desire for disclosure, and wanting to know what the offender thought and felt about the abuse. Secondly, there was a strong desire for acknowledgement of the abuse by the offender. This included the offender accepting responsibility and appreciating the harm caused to the victim and their family. **Acknowledgement was rated as most important by the victims** in this study. Lastly, there was a desire for empowerment. This was achieved by facing the offender as an adult and being able to speak out of remaining silent as a child. Paige and Thornton (2015) also found that victims were concerned about unexpected encounters, and the offender responding without remorse. Participants also indicated that unexpected or offender-initiated contact resulted in destabilization for many. However, when the contact was initiated by the victim, many participants experienced positive results, including the realization that much of their perception about the offender was based on a childhood context. When the victim asked why the offender committed the offense, the answers were often unsatisfying, especially when the offender attempted to blame their own difficulties. Apologies were often also ineffective in providing comfort to the victim and could be damaging when insincere or deflective. Paige and Thornton (2015) found

that the most effective forms of communication included the offender acknowledging the harm they caused and showing remorse during their contact with the victim.

Children are not only the victims of hands-on offenses, but can also be victimized through child sexual abuse images (commonly known as “child pornography”). Gewirtz-Meydan, Walsh, Wolak, and Finkelhor (2018) studied 133 victims of child sexual abuse images. They found that 80% of the victims had endured long-term sexual abuse with the child sexual abuse image production lasting an average of 6 months. Most of the victimization (83%) occurred before the age of 12. Half of the participants were victimized by family members. Almost all of the participants (93%) experienced hands-on offending in addition to photograph and video production. Regarding illegal sharing of the child sexual abuse images, 48% of participants reported they were aware of illegal sharing and approximately half of participants were not sure if the child sexual abuse images were shared. **Victims of child sexual abuse images experienced a wide range of negative outcomes.** Almost half (47%) of participants stated they experienced problems specific to the child sexual abuse images, in addition to the negative impact caused by the hands-on offense. Three-quarters of all participants responded that they felt ashamed, guilty, or humiliated, and a little over half (51%) felt the victimization was their fault. Most worried that people who saw the child sexual abuse images would think that the victim was a willing participant (54%). This was especially true for victims who had been coerced to smile or otherwise give the appearance of enjoyment. Approximately half (48%) of participants were worried about family, friends, or acquaintances seeing the child sexual abuse images, or that someone would recognize them. Participants also reported feeling ongoing vulnerability because the images/videos were permanently “out there” (i.e., available online) and can never be fully destroyed.

Impact of Sex Offenses on Secondary Victims

Secondary victims of sex offenses are often the forgotten victims. Secondary victims can include non-victim children, non-offending parents, family members of the offender, and other individuals who are impacted by the offense (Bailey, 2017; Baker et al., 2002; Cyr, Frappier, Hébert, Tourigny, McDuff, & Turcotte, 2016; Cyr, Frappier, Hébert, Tourigny, McDuff, & Turcotte, 2018; Dyb, Holen, Steinberg, Rodriguez, & Pynoos, 2003; Grosz, Kempe, & Kelly, 2000; Levenson & Tewksbury, 2009; Schreier et al., 2017; Tewksbury & Levenson, 2009). While sex offenses have been studied relatively thoroughly, secondary victims have not received as much attention (Schreier et al., 2017).

Non-victim siblings experience a wide range of negative effects because of the victimization of their sibling (Baker et al., 2002; Grosz et al., 2000; Schreier et al., 2017). When a child is victimized, the family undergoes a shift in dynamic, often resulting in heightened stress, daily life disruption, and more focus on the victim (Baker et al., 2002; Schreier et al., 2017). Non-victim siblings often feel confusion over these changes and the reason for their occurrence (Baker et al., 2002; Schreier et al., 2017). **They also often feel guilt for not having protected their sibling**, especially if the victim is younger (Schreier et al., 2017). Like their victim siblings, non-victim siblings often experience negative emotional consequences due to the victimization, including depression and anxiety (Schreier et al., 2017). There are also those who feel neglected because parents and professionals are concerned about the well-being of the victim, which can lead to jealousy in the non-victim sibling (Baker et al., 2002; Schreier et al., 2017).

Not much research has been done on parents of child sexual abuse victims (Cyr et al., 2016) However, existing research does indicate that parents of victimized children also experience severe negative effects because of the victimization (Cyr et al., 2018; Cyr et al., 2016; Dyb et al., 2003; Grosz et al.,

2000). Many parents report feeling overwhelmed by the disclosure, which was often met with shock and disbelief (Grosz et al., 2000). They also felt that they failed to protect their child and blamed themselves for the victimization (Grosz et al., 2000). Additionally, many have a difficult time adjusting socially, including distrusting others because of the betrayal and feel anger towards the offender. (Dyb et al, 2003; Grosz et al., 2000). Parents also experiences psychological issues, such as depression, sleep disturbance, PTSD, and general emotional distress (Cyr et al., 2018; Cyr et al., 2016; Dyb et al., 2003; Grosz et al., 2000). Some parents were criticized for being a “bad parent” and experience stigmatization by the community (Grosz et al., 2000).

Research indicates that **family members of sex offenders are negatively impacted by the sex offense** and are often disenfranchised because of their loved one’s actions (Bailey, 2017; Levenson & Tewksbury, 2009; Tewksbury & Levenson, 2009). Spouses who chose to leave their offending partner typically experienced fewer negative effects than did those who chose to stay with their offending partner, however they did experience some psychological distress (Bailey, 2017). Specifically, former spouses described a feeling of loss and grief when they found out about the offending behavior because their relationship with their loved one had ended (Bailey, 2017). They also described feelings of anger and fear after accusations of the offense were confirmed (Bailey, 2017). Spouses who chose to stay with their offending partner experienced a greater amount of negative effects (Bailey, 2017; Levenson & Tewksbury, 2009; Tewksbury & Levenson, 2009). There were several emotional consequences, including guilt, isolation and loss of support networks, embarrassment and shame, and stress (Bailey, 2017; Tewksbury & Levenson, 2009). Disenfranchisement in the community often meant losing friends and family members, being stigmatized by their children’s schools, and being pushed to divorce their partner (Bailey, 2017; Tewksbury & Levenson, 2009). Children of sex offenders experience their own set of hardships, including loss of friends, being excluded from social events, and psychological distress such as depression, anxiety, and fear (Levenson & Tewksbury, 2009). In addition to psychological and social traumas, family members of sex offenders also experience serious life disruptions (Levenson & Tewksbury, 2009; Tewksbury & Levenson, 2009). Most commonly these included financial hardship due to difficulty finding employment, harassment, property damage, and housing issues (Levenson & Tewksbury, 2009; Tewksbury & Levenson, 2009).

In sum, the use of a victim centered approach is central to the work of the SOMB. The SOMB Victim Advocacy Committee is a key component of the of this process, offering feedback and direction to ensure that the *Adult and Juvenile Standards and Guidelines* are sensitive to the needs of victims.

Sexual Offending and the LGBTQ Community

The lesbian, gay, bisexual, transgender, and questioning (LGBTQ) community has been largely understudied when it comes to the topic of sexual offending. The majority of research to date focuses on rates of victimization of gay, lesbian, bisexual, and transgender individuals, which has shown that **they experience sexual assaults at higher rates than their heterosexual counterparts** (Edwards, Sylaska, Barry, Moynihan, Banyard, Cohn, ..., & Ward, 2015; Johnson, Matthews, & Napper, 2016; Katz-Wise & Hyde, 2012; Martin, Fisher, Warner, Krebs, & Lindquist, 2011; Menning & Holtzman, 2014; Strotzer, 2009). In a study of sexual minority students (SMS) in college, Edwards et al. (2014) found that SMS were over two times more likely to report sexual victimization. Additionally, Edwards et al. (2014) found that SMS were also over two times more likely to report instances of domestic violence, with SMS females reporting the most instances. In their meta-analysis, Katz-Wise and Hyde (2012) found that approximately 29% of lesbian, gay, and bisexual individuals reported being the victims of sexual assault.

Research estimates that approximately **12-54% of gay and bisexual men experience some form of sexual assault during their lifetime** (Rothman, Exner, & Baughman, 2011). Menning and Holtzman (2014) found that gay and bisexual men experienced unwanted sexual contact three and a half times more frequently than heterosexual men. Interestingly, this population of victims is more likely to engage in self-blame and experience guilt over their victimization than other populations (Menning & Holtzman, 2014). Additionally, many of these men have also been victims of childhood sexual abuse (Hequembourg, Parks, Collins, & Hughes, 2015). In their study, Hequembourg et al. (2015) found that 51% of gay and bisexual men reported at least one instance of childhood sexual assault and 67% reported at least one instance of adult sexual assault.

Women, in general, are more likely to be victims of sexual assault (Menning & Holtzman, 2014). This also holds true for lesbian and bisexual women. In a study of university students, Martin et al (2011) found that **lesbian and bisexual women were two and two and a half times, respectively, more likely to be victims of sexual assault** before entering university than heterosexual women. Once in college, 18% of lesbian students and 24% of bisexual students reported sexual assault experiences, compared to 13% of heterosexual students (Martin et al., 2011). Of all sexual minority students, research indicates that lesbians are least likely to experience sexual assault (Edwards et al., 2015; Johnson et al., 2016; Katz-Wise & Hyde, 2012). A potential explanation for this may be that lesbian women are least likely to interact with sexually aggressive males (Johnson et al., 2016).

There is less research on transgender individuals and sexual assault, however, research has found that there is a high prevalence of sexual assault against this population (Strotzer, 2009). Approximately 50 to 59% of transgender individuals report some form of unwanted sexual contact (Clements-Nolle, Marx, & Katz, 2006; Kenagy, 2005; Strotzer, 2009).

Research has not yet thoroughly examined sex offenders who identify as LGBTQ or heterosexual offenders who target individuals in the LGBTQ community. One can reasonably assume that **sex offenders who identify as LGBTQ will have specific needs to be addressed due to their sexual orientation and the potential negative stigma attached to their sex offender identity**. Additionally, in the cases of interpersonal violence, the relationship dynamics are not necessarily the same as heterosexual couples and may present differently in therapy, especially surrounding their minority status (Babcock, Armenti, Cannon, Lauve-Moon, Buttell, Ferreira, ... Solano, 2016). This is also true for victims, since historically there have been fewer resources available to LGBTQ victims and therefore they are less likely to seek help after an assault (McClennen, 2005). Offenders who do not identify as LGBTQ but specifically target members of that community may present with additional factors making them a higher risk to reoffend.

Related to sex offender risk to reoffend, risk assessment research has established that male offenders (sexual orientation not specified) who have male child victims are at a higher risk to reoffend (Babchishin, Hanson, & Helmus, 2012). It is important to note that having a male child victim as a risk factor does not infer the sexual orientation status of the offender, and therefore, there is no research to suggest having a male victim is correlated with a male offender being gay.

The fact that LGBTQ individuals experience sexual assault at least as frequently as their heterosexual counterparts warrants more research on the topic, especially as it pertains to risk to reoffend in sex offenders and how to best address the victim's needs. Additionally, research needs to analyze sex offenders who do identify as LGBTQ in order to better understand their offending behavior. Research on interpersonal violence among the LGBTQ community provides good information on the

differences in their relationships when compared to heterosexual couples, however it does not shed light directly on sexual offending. When it comes to the supervision and treatment of LGBTQ offenders, the evidence-supported Risk, Needs, Responsivity (RNR) model should be incorporated in order to address the unique needs of this population.

Risk-Related Sexual Interests and Behavior Patterns

The SOMB Best Practices Committee was asked to discuss the relevance of continuing to include the terms ‘deviant/sexual deviance’ in the *Adult and Juvenile Standards and Guidelines*. The current definition in the *Adult Standards and Guidelines* regarding deviancy focuses on Sexual Paraphilias and Sexual Deviance and uses the definition provided by the Diagnostic and Statistical Manual of Mental Disorders-IV (DSM-IV)⁴. The definition outlines the specific criteria for diagnostic purposes. The *Juvenile Standards* defines deviancy as a significant departure from the norms of society and behavior which is not normative, differing from an established standard.

The terms ‘deviant/deviancy’ are used in the Standards in various places when conveying sexually assaultive behavior or interests, not necessarily paraphilic behavior or interests. The goal for the Best Practice Committee was to **consider alternate terms to replace ‘deviant/deviancy’ in order to align better with the current language in the field** and provide an **operational definition which accurately captures the risks associated with anti-social interests and behaviors**.

Several alternative terms were considered, including offense-related, problematic, unhealthy, and risk-relevant. The committee discussed how most of the disadvantages of each term can be addressed simply by providing a definition that is precise and comprehensive. Therefore, providing an accurate and inclusive definition is more important than how the term is interpreted at face value.

Given the differences between the adult and juvenile populations and the way sexually abusive behavior is conceptualized for each population, it is worth considering the need to use different terms for each population/in each set of standards.

Definition of Risk-Related Sexual Interests and Behavior Patterns

The term “risk-related sexual interests and behavior patterns” is intended to replace the term “sexual deviance.” The purpose behind this is to **move away from a socially stigmatizing term, and replace it with one which that better captures the nature of the interest and behaviors exhibited**. This change is consistent with contemporary research, much of which is also moving away from the term “sexual deviance.” Risk-related sexual interests and behavior patterns is defined as “any sexual interest or behavior that is empirically linked to risk factors for sexual offending and abusive behavior as well as sexual interest(s) or behavior(s) that impair the individual’s ability to function as a

⁴ "recurrent intense sexually arousing fantasies, sexual urges, or behaviors generally involving (1) nonhuman objects, (2) the suffering or humiliation of oneself or one's partner, or (3) children or other nonconsenting persons that occur over a period of at least 6 months. The behavior, sexual urges or fantasies cause clinically significant distress or impairment in social, occupational, or other important areas of functioning. Paraphilic imagery may be acted out with a non-consenting partner in a way that may be injurious to the partner. The individual may be subject to arrest and incarceration. Sexual offenses against children constitute a significant proportion of all reported criminal sex acts”.

healthy, pro-social member of the community.” Such factors include cognitive, emotional, or behavioral sexual patterns determined to be sexually abusive or sexually problematic. This may involve a disregard for negative consequences, the unmanaged need for instant gratification, and a lack of impulse control. Such sexual interest or behavior may result in disruption(s) to other aspects of the offender’s life.

Risk-related sexual interest patterns may include, but are not limited to, the following:

- Sexual interest in prepubescent children⁵ (Mann, Hanson, & Thornton, 2010; Thornton, 2013)
- Sexual interest in pubescent children (Thornton, 2013)
- Sexualized violence (Mann et al, 2010; Thornton, 2013)
- The presentation of multiple paraphilia’s (Hanson, 2010; Mann et al., 2010; Thornton, 2013)
- The presentation of a specific paraphilia indicative of high risk (Hanson, 2010)

Risk-related sexual behavior patterns may include, but are not limited to, the following:

- Disregard for the negative consequences caused by sexual interests and behaviors (Herring, 2017)
- Sexual preoccupation (Hanson, 2010; Mann et al., 2010; Thornton, 2013)
- Hypersexuality (Thornton, 2013)
- Sexual compulsivity (Herring, 2017)
- Sexual coping (Mann et al., 2010; Thornton, 2013)

Based on the recommendations made by Best Practices, the SOMB has moved away from using the term “sexual deviance” to label behaviors that may be problematic for individual sex offenders. The objective was to utilize a new, research-based term which captures all components of sexual interests and behavior patterns which may contraindicate the offender’s treatment. The SOMB has chosen to use the term “Risk-Related Sexual Interests and Behavior Patters” as it accurately encompasses all potential behavioral risks associated with sex offending.

⁵ The age of 12 or younger is based on the distinction between pubescent and pre-pubescent development stages. There is disagreement in the research literature current research regarding the onset of puberty, and the SOMB recognizes the limitations of defining the criteria based on a specific age.

Section 2: Relevant Policy Issues and Recommendations

SORN

In 1994, the *Jacob Wetterling Act* was passed by Congress, mandating that states identify their most sexually dangerous offenders, labeling them accordingly for registration and notification purposes. In response to the passage of *Megan's Law*, an amendment to the *Jacob Wetterling Act*, the Colorado legislature created the Sexually Violent Predator (SVP) requirements for sex offenders. The *Adam Walsh Child Protection and Safety Act* (AWA) was signed into law in 2006. The AWA is the most recent sex offender registration and notification (SORN) legislation, which established stricter registration requirements and created a standardized offense-based classification system for registration tiering. These tiers are based solely on the offender's crime of conviction. The tier system mandated by the AWA requires that tier I offenders register for a minimum of 15 years, tier II offenders register for a minimum of 25 years, and tier III offenders are required to register for life. The passage of the AWA repealed the requirements of the *Jacob Wetterling Act* (1994), which meant that **states were no longer required by federal legislation to label certain sex offenders as SVPs.**

Sexually Violent Predator Designation

Sex offender registration and notification was originally designed to inform the public of predatory and violent sex offenders who posed a significant threat to the community, and children specifically (Levenson et al., 2016). Classification systems that are not based on risk assessments generally do a poor job of accurately assessing risk to reoffend (Harris, Lobanov-Rostovsky, & Levenson., 2010; Levenson, Grady, & Leibowitz, 2016) and can unnecessarily cause panic in the public. **Mislabeling a sex offender as higher risk than they actually are can contribute to loss of protective factors through social rejection** (Levenson et al., 2016; Zgoba, Miner, Levenson, Knight, Letourneau, & Thornton, 2016). Arbitrarily labeling offenders can additionally lead to wasted resources, including money and time spent on monitoring the individual (Zgoba et al., 2016). Empirical research supports risk-based classification systems as a method to identify risk levels and provide accurate information to the public through community notifications (Levenson et al., 2016; Zgoba et al., 2016).

Research on SORN and recidivism has made several findings that suggest improvements need to be made to the current system used in Colorado. Predicting rate of re-offense is difficult as risk levels are dynamic and can change on a regular basis. Given this, instruments that look at more risk factors are beneficial when estimating future risk to reoffend. A tiered system would allow for better accommodation to this issue by there being multiple levels at which an offender could be placed, instead of only one label, which is not indicative of reoffending. Finally, sex offenses committed by strangers, particularly those on which the AWA is based, are rare events - most offenders choose victims they know (Levenson et al., 2016). When implementing risk categorization, validated risk assessment tools should be used to ensure accurate classification of sex offenders (Harris et al., 2010; Levenson et al., 2016; Zgoba et al., 2016).

The AWA does not require the use of risk-based assessment, but does allow it to be used as an additional component to the offense-based classification system. Colorado law requires the use of a risk assessment tool, which greatly enhances the value of offense-based systems.

Recommendations

Given that there is no longer a federal requirement to designate certain sex offenders as SVP, the SOMB has approved a series of recommendations for the Legislature to consider regarding the modification of the current classification system to eliminate SVP designation. This change would allow for the addition of a risk-based classification system on top of the offense-based classification system which is already in place and compliant under the AWA mandates. This change can only be made by the legislature, as the SVP requirements are described in statute (16-13-901-906 C.R.S). These recommendations are as follows:

- 1) Move to a three tier risk level system in lieu of SVP designation (based on risk assessment).
- 2) Recognize that risk is dynamic and tier levels (or SVP status) should be changed based on changes in risk level.

Juvenile Registration

Registration of Juveniles Who Have Committed Sexual Offenses

The registration of juveniles who are adjudicated of sexual offenses has come under question in many states, with concerns that the associated collateral consequences hinder the therapeutic process and potentially decrease community safety. The registration requirements imposed on many juvenile offenders have been shown to increase risk factors and negatively impact protective factors (Batastini, Hunt, Present-Koller, & DeMatteo, 2011; Harris, Walfield, Shields, & Letourneau, 2016). Additionally, efforts that attempt to manage treating juveniles adjudicated of sex offenses like adult sex offenders has raised concerns about the potential negative impacts on adolescent development (Batastini et al., 2011). There are many differences between adult and juvenile offenders, including financial independence, brain development, and reliance on others.

Background

The federal sex offender registration and notification (SORN) requirement on the states began in 1994. The primary targets of these laws were adult sex offenders, with the intent of improving community safety by informing law enforcement and the public about these crimes. The Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART Office) in the U.S. Department of Justice provides a detailed timeline of the legislation passed regarding registered sex offenders. The legislative history is detailed below.⁶

- **1994 - Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act**

⁶ <https://www.smart.gov/legislation.htm>

- Established baseline standards for states to register convicted sex offenders with law enforcement.
- Established a special class of offenders, "Sexually Violent Predators" (SVPs).
- Required law enforcement address verification every 90 days for SVPs and annually for all other sex offenders.
- Required SVPs to register with law enforcement for life and all other sex offenders to register for 10 years.
- For SVPs, provided for discretionary public notification procedures when necessary to protect the public.
- **1996 - Megan's Law**
 - Mandated public disclosure of information about registered sex offenders. Provided that information collected under state registration programs could be disclosed for any purpose permitted under state law.
- **2006 - Adam Walsh Child Protection and Safety Act** (replaced the Wetterling Act and Megan's Law)
 - Created a new baseline of sex offender registration and notification standards for jurisdictions to implement, including the registration of juveniles.
 - Expanded the definition of "jurisdiction" to include 212 federally recognized Native American tribes; of which 197 have opted to establish sex offender registration and notification systems.
 - Expanded the number of sex crimes that must be captured by registration systems to include all state, territory, tribal, federal and Uniform Code of Military Justice sex offense convictions, as well as certain foreign sex crime convictions.
 - Created the Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART Office) in the U.S. Department of Justice, Office of Justice Programs, to (1) administer standards for sex offender notification and registration, (2) administer grant programs authorized by the Adam Walsh Act, and (3) coordinate related training and technical assistance.
 - Directed the Department of Justice to establish the Dru Sjodin National Sex Offender Public Website (www.NSOPW.gov) to provide a single point of access to search all state, tribal and territory sex offender registry websites.
 - Established a Sex Offender Management Assistance program within the Department of Justice.

Specifically, the Sex Offender Registration and Notification Act, Title I of the Adam Walsh Child Protection and Safety Act of 2006 (SORNA), set standards for registration and notification to include

“juveniles [who are] at least 14 years’ old who are adjudicated delinquent for particularly serious sex offenses.” In the *Supplemental Guidelines for Juvenile Registration Under the Sex Offender*

How The U.S. Includes Children in Sex Offense Registration & Notification Schemes: A 50 State Breakdown ^a					
Jurisdictions that place children adjudicated in juvenile court on their registries (40 states)	Alabama	Illinois	Michigan	North Carolina	South Dakota
	Arizona	Indiana	Minnesota	North Dakota	Tennessee
	Arkansas	Iowa	Mississippi	Ohio	Texas
	California	Kansas	Missouri	Oklahoma	Utah
	Colorado	Kentucky	Montana	Oregon	Virginia
	Delaware	Louisiana	Nevada	Pennsylvania ^b	Washington
	Florida	Maryland	New Hampshire	Rhode Island	Wisconsin
	Idaho	Massachusetts	New Jersey	South Carolina	Wyoming
Jurisdictions that do not place children adjudicated in juvenile court on their registries (10 states and the District of Columbia)	Alaska	New Mexico			
	Connecticut	Vermont			
	District of Columbia [*]	West Virginia			
	Georgia				
	Hawaii				
	Maine				
	Nebraska				
	New York				

^a Last updated June 2016

^b In the *Interest of J.B., et al.* (2014) the Pennsylvania Supreme Court ruled mandatory, lifetime sex offense registration requirement for juveniles was unconstitutional. Due to that decision, youth adjudicated in juvenile court are no longer being placed on the registry in Pennsylvania, though the law has yet to reflect this change in practice.

Registration and Notification Act, the Attorney General’s office provides additional provisions for juvenile registration.

Since its implementation, notification for juveniles is no longer required by the Adam Walsh Act. As of 2016, 40 states^{7,8} (including Colorado) still have statutes mandating the original SORN requirements for juveniles, including notification (Impact Justice, 2016.). Additionally, state statute requires juveniles to register in Colorado if they were required to register in another state, even if they were previously granted relief and removed from the registry.⁹ Juveniles are required to register for life automatically, but can petition to be removed from the registry after they successfully complete their sentence as long as they have not been convicted of or have pending charges for any other offense, including unlawful sexual behavior.¹⁰

Table 1: How the U.S. Includes Children in Sex Offense Registration & Notification Schemes (Impact Justice, 2016)

⁷ In the 2014 case of *J.B.*, No.87 MAP 2014, the Pennsylvania Supreme Court ruled that juvenile lifetime registration was unconstitutional. However, this was not known at the time the Impact Justice chart was developed. According to the Pennsylvania State Police Website “juveniles are no longer required to register..., except if they are classified by the Court as a Sexually Violent Delinquent Child”.

⁸ See Table 1 for full list.

⁹ C.R.S. §16-22-103(3).

¹⁰ C.R.S. §16-22-113(1)(e).

Concerns

Historically, the juvenile justice system was formed to address the specific needs of juveniles however, it sometimes mirrors the adult system, as in the case with juvenile registration (Batastini et al., 2011). Many professionals recognize that juveniles do not make decisions in the same way as adults, and much of juvenile offending is a result of their youthfulness (Harris et al., 2016). Harris et al. (2016) note “distinctive developmental mechanisms” between adults and juveniles involved in sexual offending. Specifically, there is a clear difference between the neurological, cognitive, and social capacities of adults and juveniles (Harris et al., 2016).

One component of this distinction is the information related to the juvenile offender that is made available to the public (Batastini et al., 2011). Allowing the public to access juvenile registry information can disrupt the juvenile’s life at school and at home, often contraindicating the therapeutic goals set by the multidisciplinary team supervising the juvenile (Batastini et al., 2011; Harris et al., 2016; Stevenson, Smith, Sekely, & Farnum, 2013b). Juveniles who were subject to notification laws were more likely to develop mental health problems, more likely to be harassed, and more likely to have unstable living situations (Harris et al., 2016; Letourneau, Harris, Shields, Walfield, Ruzicka, Buckman, ..., Nair, 2018). Research has also found that registered juveniles are four times more likely to attempt suicide than non-registered juveniles (Letourneau et al., 2018). Public access to specific information can also negatively affect the juvenile’s family, particularly if the victim is a family member. This family stress can undermine the protective factors that are offered by family support (Batastini et al., 2011; Harris et al., 2016; Stevenson et al., 2013b). Additionally, labeling a juvenile as ‘deviant’ can become a self-fulfilling prophecy: the juvenile begins to self-identify as deviant and continues the behavior (Stevenson et al., 2013b).

Juveniles typically have lower recidivism rates than adults, especially when it comes to sexual reoffending. Research indicates that registered juveniles have a sexual recidivism rate of approximately 7% (Harris et al., 2016), although some research has found a sexual recidivism rate as low as 0.9% (Batastini et al., 2011). The general non-sexual recidivism rate is much higher, reaching 43% for juvenile recidivism (Caldwell, 2010), and approximately 85% when recidivism was measured into adulthood (Batastini et al., 2011). Some research suggests that being registered is a risk factor for both types of recidivism in juveniles (Stevenson, Najdowski, & Wiley, 2013a; Stevenson et al., 2013b). While some of the juveniles on the registry are a danger to the community, with approximately 15% of juvenile registrants having committed a forcible sexual assault (Stevenson et al., 2013a; Stevenson et al., 2013b), researchers estimate that the majority of the juveniles who are high risk to reoffend, both as juveniles or as adults, are not identified by the current risk identified in state statutes (Batastini et al., 2011).

Given the various factors indicating that juveniles tend to be lower risk offenders who are more amiable to treatment interventions than adults (Batastini et al., 2011), the SOMB makes the following recommendations:

Recommendations

1. Make juvenile registry information a law enforcement only tool that is non-public (do not include juveniles on the lists provided by law enforcement)
2. For those who are eligible, a hearing for discontinuation from the registry will automatically be set at the time of successful completion from supervision. All notifications including those required by the Victim Rights Amendment must be made with time allowed for responses prior to vacating the hearing. This hearing can be vacated if there are no objections.
3. Change the threshold for release from registration - instead of “more likely than not,” release from registry should be contingent on being found to be low risk to commit a sex offense as evidenced by clinical indicators¹¹
4. Improve sentencing procedures to increase the information provided and expand judicial discretion concerning registration, including developing criteria that an evaluator can use to make a recommendation for no registration
5. Remove the ineligibility to petition for release after additional adjudication for a new sex offense
6. Remove requirement for out-of-state juveniles to register if the originating state has already relieved the juvenile from registration requirements
7. Consider allowing a juvenile access to court-appointed counsel for relief from registration

¹¹ Clinical indicators are anything which provides information regarding the individual’s clinical presentation, such as interviews, level of participation in treatment, risk assessment scores, evaluation, etc.

Section 3: Milestones and Achievements

Overview of 2018 Accomplishments

The SOMB established the SOMB Strategic Action Plan in March, 2014. Over the last four years, the SOMB Strategic Action Plan has driven change and enhanced collaboration between stakeholders. Throughout 2018, the SOMB has accomplished all of its strategic goals through collaboration with multiple stakeholders. As of December, 2018, all strategic action items identified were completed but for one remaining component of Section 5.700 regarding victim clarification, contact, and reunification. The draft for this section has been completed by the Victim Advocacy Committee and will be submitted for approval to the SOMB in January, 2019 for final Board approval in February, 2019. Moving forward, the Board intends to focus on Board and committee procedure to ensure a consistent and streamlined process. To help with this, the Board has retained an outside party to observe and make recommendations on the Board decision making process, specifically. Additionally, the Board has focused on incorporating the directives made by House Bill 18-1198¹² and Former Governor Hickenlooper, including having Board members sign a conflict of interest disclosure agreement, Board training, evaluating the Board decision making process, and ensuring adherence to best practices. Additionally, the SOMB is reviewing its implementation practices to ensure all new standards are followed to fidelity.

Modified the Child Contact Screening Process

Upon review of the recommendations of the Adult Standards Revision Committee, the Board voted to replace the Child Contact Assessment (CCA) with a Child Contact Screening (CCS) process to support structured decision-making by evaluators as they assess the safety and risk of an offender's contact with their own child(ren). The original CCA and the new CCS were put in place as there is no existing empirically validated tool for the assessment of the risks related to an untreated offender's contact with their own child. **The CCS eliminates duplication of all work completed in the sex offense-specific evaluation (SOSE).** Therefore, the CCS must be completed at the time of the SOSE or after the SOSE is completed. This change means the **CCS process is significantly less time consuming than the previous CCA and as a result, the cost to offenders should be significantly reduced.**

Additionally, the CCS no longer includes severe denial as a potential factor in determining if a person is appropriate for the screening.¹³ This elimination is consistent with recent research suggesting denial of the crime of conviction does not contribute to an offender's overall risk to sexually re-offend. The rest

¹² Best Practices For State Boards and Commissions, Colorado House Bill 18-1198 (2018)

¹³ The premise for the pre-screen process is to rule out offenders who would not qualify for child contact due to increased offender static risk and prevents unnecessary assessments from being completed. Such factors can be reviewed at <http://cdpsdocs.state.co.us/dvomb/SOMB/Standards/SAdultNew.pdf>.

of the pre-screen factors remain and no factor is considered in isolation, as at least two of the pre-screen factors must exist for an offender to be ruled out of the screening process.

The CCS does include an added requirement that evaluators contact the custodial parent or legal guardian of the child(ren) to determine if support exists for the contact in question to occur. This information must be included in the final report.

It should be noted that the Adult Standards Revisions Committee **found no existing tools for the assessment of the risks related to an untreated offender's contact with their own child.** The Risk of Sexual Abuse to Children (ROSAC) is a structured decision-making tool appropriate when an offender has been in treatment long-term, and the offender and family are ready to reunify. The authors of the tool, Robert J. McGrath, Heather M. Allin and Georgia F. Cumming, have been very clear that they cannot support the tool being used prior to significant treatment participation by the offender.

Risk-Related Sexual Interests and Behavior Patterns

The SOMB Best Practices committee continues to look at current research and make suggestions about how to incorporate current research into the *Adult and Juvenile Standards and Guidelines*. The terms “sexually deviant” and “sexual deviancy” are being eliminated from the *Adult and Juvenile Standards and Guidelines* (unless such a term is specific to instrument results, for example PPG pre-defined results) for adult sex offenders and juveniles who have committed sexual offenses. The **purpose for this change is to move away from a socially stigmatizing term and replace it with one which better captures the nature of the interest and behaviors exhibited.** This change is consistent with contemporary research, much of which is also moving away from the term sexual deviance. The Best Practices Committee reviewed contemporary research to discern which terms were used in lieu of sexual deviance in order to determine most appropriate language change. Based on this research review, the Best Practices Committee decided that “Risk Related Sexual Interests and Behavior Patterns” most accurately reflected the components of sexual deviancy, without the stigmatizing label. Risk related sexual interests and behavior patterns are defined as any sexual interest or behavior that is empirically linked to risk factors for sexual offending and abusive behavior as well as sexual interest(s) or behavior that impairs the individual's ability to function as a healthy, pro-social member of the community. Please see Section 1: Risk Related Sexual Interests and Behavior Patterns for more information on this topic.

Mixing Low and High Risk Offenders in Treatment Groups

The Best Practices Committee, in conjunction with the Adult Standards Revisions Committee, was tasked with examining group composition regarding risk level. Stakeholders raised concern that placing an offender with low static risk in group with offenders who have high static risk may adversely impact low risk offenders. A literature review was conducted and research was reviewed by both committees. **Research indicated that placing a low risk offender with high risk offenders did indeed have negative impacts on the low risk offenders.** Conversely, placing an offender with high static risk in a group with offenders who have low static risk showed to have a positive impact on the high risk offender. In late 2018, the Board approved a new standard emphasizing the importance of differentiating offender risk and limiting the degree to which low risk offenders are exposed to more anti-social, high risk offenders. The standard provides guidance to treatment providers as they address the various levels of static risk offenders may present.

Enhanced victim voice into treatment

In achieving this strategic goal, the SOMB Victim Advocacy Committee continues to provide input into all *Adult and Juvenile Standards and Guidelines* revisions to **ensure that the victim voice is represented throughout the *Adult and Juvenile Standards and Guidelines***. The Victim Advocacy Committee offers input into *Adult and Juvenile Standards and Guidelines* revisions to ensure that they are being crafted in ways that are sensitive to the needs of victims.

The SOMB Victim Advocacy Committee collaborated with The Colorado Coalition against Sexual Assault (CCASA) and The Blue Bench in obtaining a Victims of Crime Act Fund (VOCA) grant. The objective of this grant is to provide the resource of victim representation on MDTs and CSTs. This pilot project will take place in the 1st Judicial District, utilizing employees of The Blue Bench. This overall goal has been completed as of September 2016, with the grant program ongoing.

Policy Updates

Committees

The majority of the work conducted by the SOMB occurs at the committee level. Within these committees, a variety of policy and implementation related work is proposed, discussed, and reviewed by relevant stakeholders. These committees then make proposals for the SOMB to consider. The SOMB staffed 12 active committees during the course of 2018, which were open to all stakeholders in order to work on statutorily mandated duties. These committees included the following:

1. Adult Community Supervision Standards Revisions Section 5.700 Committee
 - 1.1. Child Contact Screening Workgroup
2. SOMB Executive Committee
3. Juvenile Standards Revision Committee
4. Best Practices/Treatment Provider Committee
5. Victim Advocacy Committee
6. Application Review Committee
7. Training Committee (in Collaboration with the Domestic Violence Offender Management Board)
8. Family Support and Engagement Committee
9. Sex Offender Registration Legislative Work Group
10. Sex Trafficking Workgroup
11. Community Notification Technical Assistance Team

All of these committees have been and continue to be engaged in studying advancements in the field of sex offender management, recommending changes to the *Adult and Juvenile Standards and Guidelines* as supported by research, and suggesting methods for educating practitioners and the public to implement effective offender management strategies. For a comprehensive summary of the work of the SOMB, please refer to Appendix A.

Figure 1. Organizational chart of the SOMB committees and workgroups.



Current Availability of Providers

Table 2 provides the current statistics on the availability of service providers approved to operate in Colorado. Currently, there are **309 adult treatment providers and 230 juvenile treatment providers** approved by the SOMB in Colorado. As of December 2018, there are **26 adult polygraph examiners and 22 juvenile polygraph examiners**. Treatment providers may choose to pursue an addition of services onto their status. For example, a full operating treatment provider may also be approved as a full operating treatment provider Developmental Disabled/Intellectually Disabled (DD/ID), a full operating evaluator, a full operating evaluator DD/ID, a clinical supervisor for treatment providers, and a clinical supervisor for evaluators.

On average, providers operated in three different counties. In total, the SOMB has approved providers located in all 22 judicial districts in the state, as depicted in Figure 2 through Figure 4.

Table 5. Number of approved sex offender service providers in Colorado, 2017

Population	Service	Service Level		
		Associate	Full Operating	Total
Adult	Treatment Provider	139	170	309
	<i>Treatment Provider DD/ID¹⁴</i>	<i>23</i>	<i>37</i>	<i>60</i>
	<i>Clinical Treatment Provider</i>	<i>N/A</i>	<i>96</i>	<i>96</i>
	Evaluator	58	64	122
	<i>Evaluator DD</i>	<i>6</i>	<i>13</i>	<i>19</i>
	<i>Clinical Evaluator</i>	<i>N/A</i>	<i>43</i>	<i>43</i>
	Polygraph Examiner	3	23	26
	<i>Polygraph Examiner DD/ID</i>	<i>N/A</i>	<i>12</i>	<i>12</i>
	Juvenile	Treatment Provider	117	113
<i>Treatment Provider DD/ID</i>		<i>19</i>	<i>20</i>	<i>39</i>
<i>Clinical Treatment Provider</i>		<i>N/A</i>	<i>66</i>	<i>66</i>
Evaluator		28	40	68
<i>Evaluator DD</i>		<i>3</i>	<i>9</i>	<i>12</i>
<i>Clinical Evaluator</i>		<i>NA</i>	<i>25</i>	<i>25</i>
Polygraph Examiner		7	15	22
<i>Polygraph Examiner DD/ID</i>		<i>1</i>	<i>7</i>	<i>8</i>

Note: *Italicized categories contain providers who may be approved to provide multiple services and are not used to calculate the sum.*

¹⁴ Developmentally Disabled/Intellectually Disabled

Figure 2. Number and location of SOMB treatment providers by county, 2018

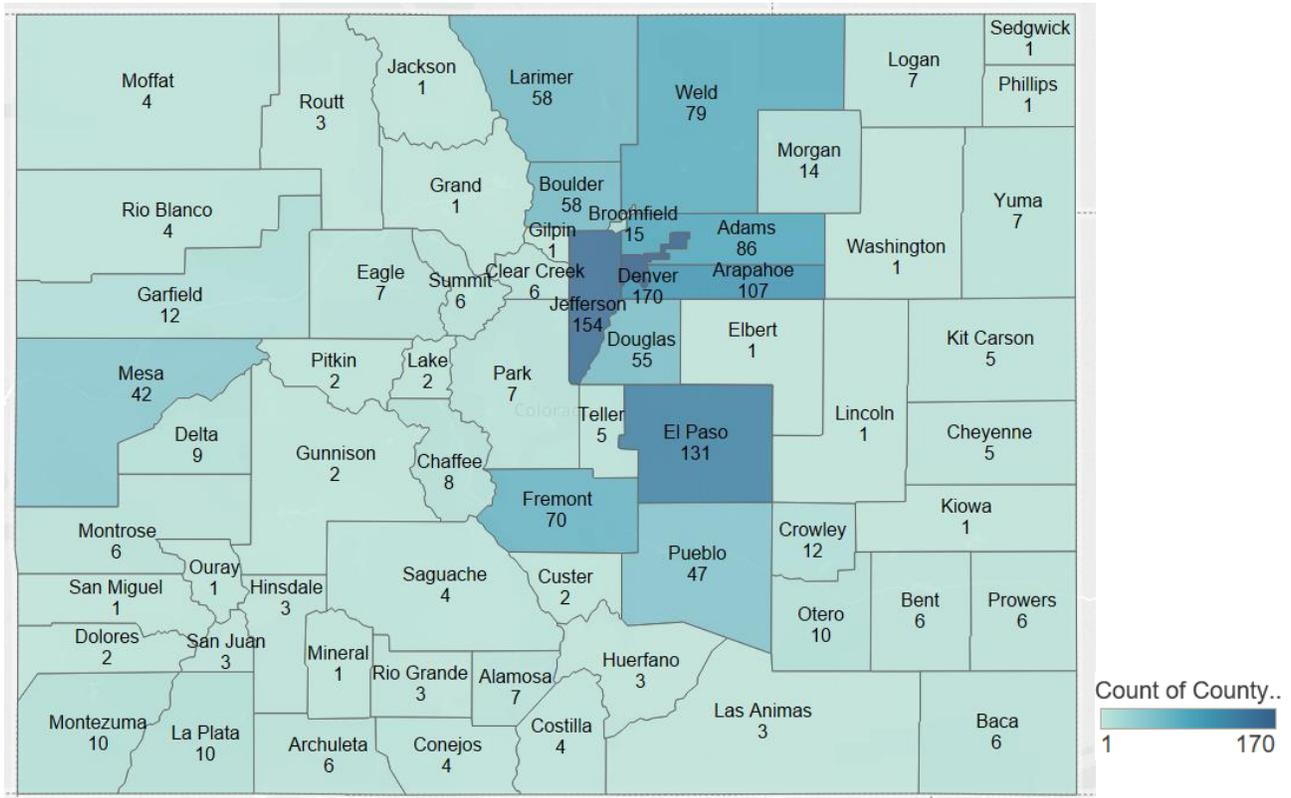


Figure 3. Number and location of SOMB evaluators per county, 2018

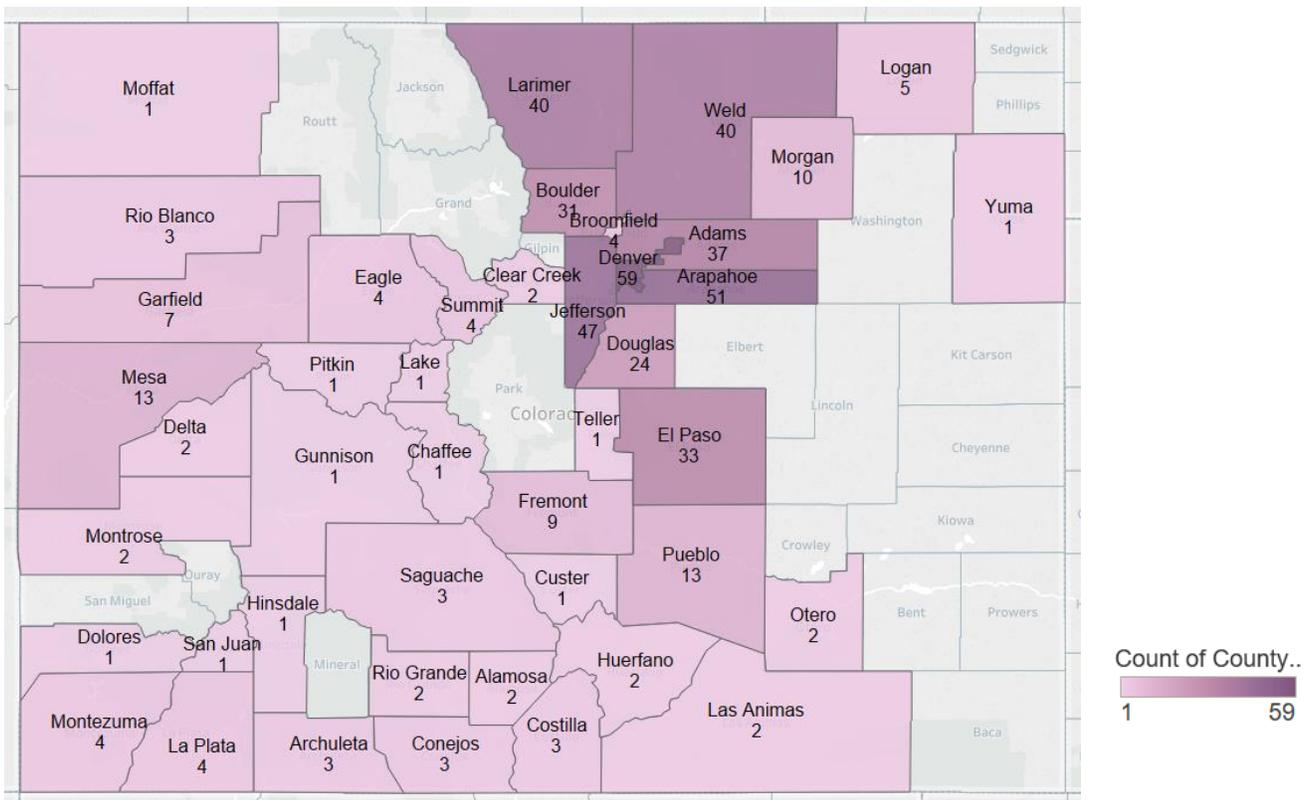
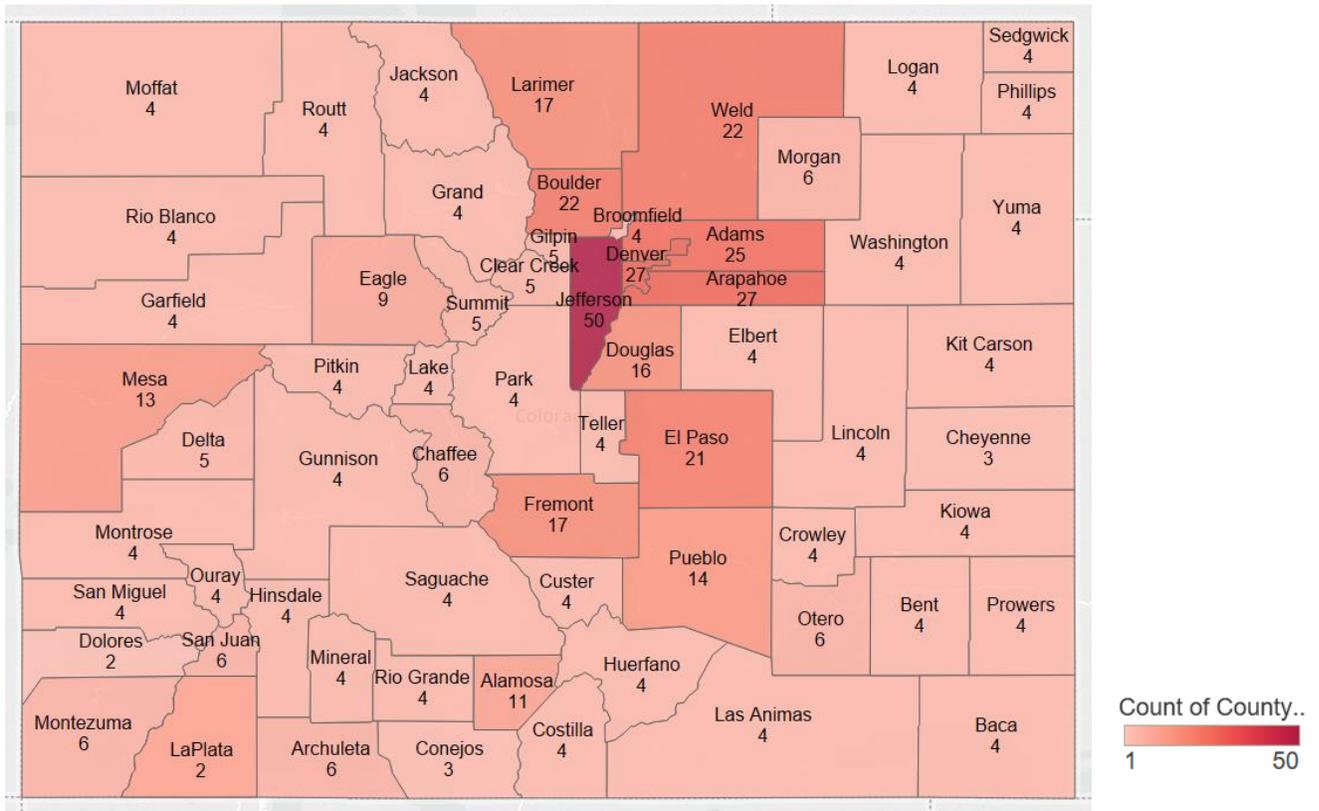


Figure 4. Number and location of SOMB polygraph examiners per county, 2018



Additional year end accomplishments

Over the course of 2018, the SOMB accomplished many goals in addition to the SOMB strategic action plan. For a comprehensive summary of the work of the SOMB, please refer to Appendix A. The following highlights some of the many achievements of the SOMB:

Managed 12 SOMB committees that functioned at some point during 2018. Several of these committees were convened in 2014 to address specific projects related to the strategic plan, such as the Adult Standards Revision Committee and Best Practices Committee.

Hosted one On-The-Road Board meetings in 2018 to reach stakeholders outside of the Denver Metro area. The meeting was held in Breckenridge.

Held an open forum Board meeting for interested stakeholders including members of the public to present concerns at an SOMB meeting.

Conducted 53 trainings over 2,900 attendees from across Colorado in calendar year 2018. These trainings covered a range of topics related to the treatment and supervision of individuals convicted of or adjudicated for sexual offenses. The SOMB also held its 12th annual

statewide conference in Breckenridge, Colorado that offered three consecutive days of training for providers, probation officers, law enforcement, victim representatives, and many other stakeholder groups. Presentations were conducted on a variety of topics, including domestic violence and sex offending cross-over, juveniles and cyber security, sex trafficking, and the impact of pornography on youth.

Implemented monthly Lunch and Learns. On a monthly basis, SOMB staff hosts a virtual, one-hour technical assistance session for providers. This allows staff to update providers on recent changes to the *Adult and Juvenile Standards and Guidelines* as well as allowing professionals to have questions answered.

Handled a large number of technical assistance requests. For example, **between October 1, 2018, and October 31, 2018, SOMB staff received 209 calls for technical assistance**, including ARC complaint and variance questions, application inquiries, *Adult and Juvenile Standards and Guidelines* interpretation questions and consultations, and training inquiries.

Supported several community notifications of Sexually Violent Predators (SVP's) by providing ongoing technical assistance to law enforcement around the state.

The Application Review Committee conducted **three Standards Compliance Reviews in 2018**, which review pertinent provider files to assess service provider compliance with the *Adult and Juvenile Standards and Guidelines*.

Received 15 complaints during 2018 made against approved providers, and disposed of eight cases. During 2018 there was one founded complaint. Currently, there are 5 cases still open and under investigation (see Appendix C).

Voted on 24 motions during the course of 2018. As a rule, motions are only proposed in the affirmative, meaning there has to be some support for the motion. The Board has a thorough discussion where all points of view are heard prior to voting on an issue. On average, 88% of motions were approved. Winning votes (either approve or oppose) were typically won by a large majority (average of 88% of total Board member votes). Only three votes were approved or defeated by less than a 15% margin, indicating high Board vote congruence. In general, the Board votes homogeneously on issues, with few instances of gridlocked votes (see Appendix F).

Developed a **white paper on adult male sex trafficking offenders** (see Appendix B).

Modified the requirements for contact with children including **revising the Child Contact Screening process**. The new process allows evaluators to use existing information to assess an offender's appropriateness for contact with children in lieu of a separate assessment instrument.

Developed and implemented a **new adult sexual behavior disclosure packet** which requires more collaborative therapeutic interaction between the offender and treatment provider.

Continued to provide SOMB members and other interested stakeholders with research and literature, including literature reviews in preparation for any *Standards and Guidelines* revisions, trainings by national leaders in the field for Colorado stakeholders, and research and best practice presentations as part of SOMB meetings.

Published the 2019 SOMB Annual Legislative Report and the 2018 Lifetime Supervision of Sex Offenders Annual Report, in addition to a report analyzing data on complaints submitted to the SOMB (see Appendix C) and an analysis on Board voting patterns from 2014 through 2018 (see Appendix F).

Ongoing implementation

Ongoing implementation refers to the dissemination of information from the SOMB to approved service providers. The main components of ongoing implementation include training professionals, implementing policies with fidelity, and offering research/program evaluation support activities.

Training

In calendar year 2018, the SOMB provided 53 trainings to over 2,900 attendees from across Colorado. **The SOMB worked to provide specific trainings to targeted audiences, which effectively increased the total number of attendees.** These trainings covered a range of topics related to the treatment and supervision of individuals convicted or adjudicated for sexual offenses such as:

- Adherence and Application of the Risk, Need and Responsivity Principles
- *Adult and Juvenile Standards and Guidelines* Introduction Trainings
- *Adult and Juvenile Standards and Guidelines* Booster Trainings
- Vermont Assessment of Sex Offender Risk -2 (VASOR - 2) and Sex Offender Treatment Intervention and Progress Scale (SOTIPS) Risk Assessment Trainings
- Juvenile Sex Offender Assessment Protocol - II (JSOAP II)
- Monthly Lunch and Learns
- Trauma Informed Care
- Sex Offender Registration and Notification (funded by the 2015 Adam Walsh Act Grant)
- Child Pornography Offender Risk Tool (CPORT)
- Victim Centered Sex Offender Treatment
- Feedback Informed Treatment

Section 4: Future Goals and Directions

The mission of the SOMB as written in its enabling statute is to have continuing focus on public safety. To carry out this mission for communities across the state, the SOMB strives toward the successful rehabilitation of offenders through effective treatment and management strategies while balancing the welfare of victims of sexual crimes, their families, and the public at-large. The SOMB recognizes that over the past 20 years, much of the knowledge and information on sexual offending has evolved. Since the creation of the SOMB, the *Adult and Juvenile Standards and Guidelines* for the assessment and treatment of sexual offenders has been a ‘work in progress.’ Thus, periodic revisions to improve the *Adult and Juvenile Standards and Guidelines* remains a key strategic priority for the SOMB through its process of adopting new research- and evidence-based practices as they emerge from the literature and the field. The SOMB will continue to recognize the key role that the RNR model plays in the successful rehabilitation and management of adults and juveniles who commit sexual offenses.

Strategic goals and initiatives

As of January, 2019, all items on the SOMB Strategic Action Plan were completed, with one remaining sub-section of the Section 5.700 of the *Adult Standards and Guidelines* to be ratified in February 2019. The SOMB plans to utilize 2019 to address directives from House Bill 18-1198 and Former Governor Hickenlooper as well as outside evaluations conducted at the request of the SOMB. The SOMB decided that before addressing new strategic items, the SOMB wants to ensure it continues to operate by best practices. During the 2018 Board Strategic Planning Retreat, five work groups were organized, which will address Board engagement, mission/purpose alignment, process consistency, communications and information, and research-based decision making. Additionally, the SOMB intends to address all recommendations made through the upcoming 2020 Sunset Review. The ODVSOM is currently working with the Department of Regulatory Agencies to provide critical information in order to receive the most beneficial recommendations possible.

As of June 2018, the ODVSOM has diligently worked with the Office of Information Technology (OIT) to create a data collection tool and database pursuant to Section 16-11.7-103 (4) (h) C.R.S. In this time, the ODVSOM has hired a new full-time staff member to oversee and execute the data collection process. As of this writing, the development of the data collection tool is well underway, with an expected data collection start date of June, 2019.

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Appendices

Appendix A. Committee Updates

Figure 5. Committee Organizational Chart



1. Adult Community Supervision Standards Revisions Section 5.700

Active

Committee Chairs: Missy Gursky

Purpose: The 5.000 Committee reviewed and revised, as appropriate, Section 5.000 of the *Adult Standards and Guidelines*, based on the desire to incorporate the Risk, Need, Responsivity (RNR) model, and new research and literature into the *Adult Standards and Guidelines*. The 5.700 Revisions Committee was convened in order to focus exclusively on the topic surrounding offender contact with victims, minor children, and at-risk adults. This Committee has reviewed extensive research on the subjects in order to adhere to evidence based practices, in addition to past court cases. Given the sensitive nature of the section, the

5.700 Committee wanted to ensure that all relevant literature is reviewed, that all changes are evidence-based, and that contact is only prohibited with valid reason.

Major Accomplishments: In 2018, this Committee revised all sections of 5.700, except sections 5.740 through 5.760, which focus on contact with secondary victim minor children, clarification and reunification, contact with minor victims, and contact with vulnerable adults. These sections have been reviewed by the Victim Advocacy Committee to ensure the best interest of the victims are supported.

Future Goals: This Committee has completed all sections of section 5.000 and 5.700, except for 5.740 through 5.760. The final revisions to section 5.740 through 5.760 are scheduled for ratification by the Board in February of 2019. Revisions of 5.700 will continue in order to fully address all concerns regarding offender contact with victims, minor children, and at-risk adults by incorporating evidence-based practices. This Committee has extensively reviewed literature on the subject, and will continue to do so in order to adhere to best practices.

1.1 Child Contact Screening Workgroup

Active

Committee Chair: Missy Gursky

This workgroup consisted of evaluators/treatment providers who reviewed the current Child Contact Assessment. The evaluators/treatment providers on this committee reviewed all aspects, including research, of the assessment process to ensure evidence-based practices are being followed, streamline the assessment process for evaluators/treatment providers, and make it more economical for offenders. This resulted in a new screening process, which is an extension of the required evaluation. The new Child Contact Screening (CCS) process reduces workload for providers and thereby reduces cost to clients, without losing any therapeutic information. The CCS process has been approved by the Board.

2. SOMB Executive Committee

Active

Committee Chair: Judge Marcelo Kopcow

Purpose: The purpose of the SOMB Executive Committee is to review and maintain the mission of the SOMB. The Executive Committee prepares the agenda consisting of presentations, decisions items, and discussions prior to the SOMB meeting.

Major Accomplishments: Managed the SOMB agenda and Strategic Action Plan implementation process, which included the completion and progress on many of the SOMB strategic goals. The SOMB Executive Committee additionally ensures the efficiency and efficacy of the SOMB's work.

Future goals: The SOMB Executive Committee will continue to maintain the mission of the SOMB and ensure that the SOMB continues to move forward with its initiatives.

3. Juvenile Standards Revision Committee

Active

Committee Chair: Carl Blake

Purpose: The Committee is reviewing and revising *the Juvenile Standards and Guidelines* as needed, based on emerging research and best practices. Revisions are also made to clarify information based on any feedback received from stakeholders.

Major Accomplishments: The current focus of the committee is to revise the polygraph section in line with recent research and work of the SOMB. The committee has also been removing the terms “deviant” and “deviance” from the *Juvenile Standards and Guidelines* to reflect emerging research and trends within the field.

Future Goals: The Committee will begin comparing the SOMB guiding principles to the recently published ATSA juvenile practice guidelines for consistency.

4. Best Practices Committee

Active

Committee Chairs: Tom Leversee, and Colton McNutt

Purpose: This Committee strives to ensure that the *Adult and Juvenile Standards and Guidelines* remain current with any emerging research by making recommendations to other active committees, including the SOMB when necessary. This Committee consists of a minimum of 80% treatment providers, in accordance with language from the 2016 Sunset Bill. This Committee meets once per month.

Major Accomplishments: The SOMB directed the Best Practices Committee to continue addressing revisions within other committees by reviewing relevant research on each topic. The Best Practices committee also proposed the need for particular standards to be reviewed based on emerging research and literature. The Best Practices Committee reviewed and provided feedback on several issues, including Section 3.170 of the *Adult Standards and Guidelines*, sexual deviance, and Section 5.700 of the *Adult Standards and Guidelines*. Specifically, the Best Practices Committee submitted standards language to the 3.170 Adult Community Supervision Standards Revisions Committee about the potential harmful impacts of mixing low and high risk offenders in treatment and recommended standards language to address this. Additionally, the Best Practices Committee reviewed the use of the term “sexual deviance” as it relates to emerging research and standards language. The Committee recommended to the Board that the term “Risk-Related Sexual Interests and Behavior Patterns” take the place of “deviant sexual interests and arousal” in the *Adult and Juvenile Standards and Guidelines* (See Section 1). Lastly, the Best Practice Committee reviewed and provided feedback to the Adult Community Supervision Standards Revisions Committee in regard the current draft of 5.730 regarding Child Contact Screening language.

Future Goals: The Best Practices Committee will continue to review and provide feedback to the SOMB and other revisions committees. This Committee will continue to review relevant and contemporary research to ensure adherence to evidence-based practices.

5. **Victim Advocacy Committee**

Active

Committee Chair: Allison Boyd

Purpose: To ensure that the SOMB remains victim-centered and that the *Adult and Juvenile Standards and Guidelines* address victim needs and include a victim perspective.

Major Accomplishments: In 2018, the Victim Advocacy Committee reviewed and provided input for various *Adult and Juvenile Standards and Guidelines* revisions. In particular, the Committee reviewed relevant research and then drafted language related to contact with children, and clarification, contact, and reunification with victims (Section 5.700 of the *Adult Standards and Guidelines*). Finally, the Committee continues to also provide feedback to various other SOMB Committees on their work to ensure it is victim-centered, and to provide education to the SOMB on victim issues.

Future Goals: Moving forward, the Victim Advocacy Committee will continue provide input into the SOMB *Adult and Juvenile Standards and Guidelines* revisions, in particular in sections related to offender contact with minors and at-risk adults. The Victim Advocacy Committee will continue to support the SOMB in a victim centered approach to sex offender management.

6. **Application Review Committee**

Active

Committee Chair: Carl Blake

Purpose: The Application Review Committee (ARC) reviews all new applications and re-applications for treatment providers, evaluators and polygraph examiners. Complaints made against listed providers are also reviewed by the ARC. The ARC additionally conducts randomized or for-cause Standards Compliance Reviews to ensure consistent implementation of the Standards.

Major Accomplishments: The ARC continued to review provider applications and complaints. ARC continues to monitor variances and the application process to ensure proper oversight of listed providers.

Future Goals: Continue reviewing applications, complaints, and variances. Review and revise, as needed, the Competency Based Model and the application process.

7. **Training Committee (In collaboration with the Office of Domestic Violence Offender Management)**

Active

Committee Chair: Merve Davies

Purpose: The Training Committee assists with the ongoing identification of training topics and objectives, and provides support in the planning process of long-range and large-scale training event, including the annual SOMB conference. This Committee also helps define and assess training needs for stakeholders affiliated with the treatment and management of adults and juveniles who have committed sexual offenses.

Major Accomplishments: The Training Committee has focused on bringing Standards Booster Trainings to all SOMB stakeholders, training on risk assessment tools such as the Child Pornography Offender Risk Tool (CPORT), Vermont Assessment of Sex Offender Risk/Sex Offender Treatment Intervention and Progress Scale (VASOR/SOTIPS) and the Juvenile Sex Offender Assessment Protocol - II (J-SOAP-II) as well as Sex Offender Registration and Notification trainings to various providers across Colorado. In addition, trainings have been held on topics such as Feedback-Informed Therapy, Victim Representation on MDT/CST teams and many others. The SOMB held its 12th Annual SOMB Conference in July of 2018, featuring trainings and panels impacting the management of adult sex offenders and juveniles who commit sexual offenses.

Future Goals: In 2019, the Training Committee is planning trainings that will be impactful to both SOMB providers and Domestic Violence Management Board (DVOMB) providers. The Training Committee has sent out the call for papers for the 2019 Domestic Violence and Sex Offender Management Conference that will be held in July. Advanced series trainings are currently being planned for both SOMB and DVOMB providers.

8. Family Education, Engagement and Support Committee Active

Committee Chairs: Chris Renda and Roberta Ponis

Purpose: The purpose of the Family Education, Engagement and Support Committee is to provide ways to educate families of adults who have been convicted of sexual offenses about the journey their loved one will take from arrest to post sentencing; to support families by acknowledging the impact their loved one's offenses will have on their family; and to offer appropriate engagement opportunities for families who want to know what they can do.

Major Accomplishments: This Committee provided panel presentations to the SOMB to educate them on family engagement issues; and completed the role of the family representative on the CST, submitting it to the Adult Community Supervisions Standards Revisions Committee for inclusion. Throughout 2018, this Committee has worked on drafting an educational document, named the *Resource Guide for Families of Adults Accused, Charged or Convicted of Sexual Offenses in Colorado*, and has completed Part 1. During its work on chapters, the Committee has sought feedback from a variety of stakeholders. This Guide provides a family perspective using family friendly language while providing accurate information about the various agencies and departments. This Committee is working with therapists, probation, parole, the Department of Corrections, Community Corrections, the Parole Board, advocates for people who have been sexually victimized, advocates for people with sexual offenses, and the Sex Offender Management Board which has provided support, resources, and oversight for the work of this Committee. This Guide also provides Part 3 for agencies/departments' overview of their respective units.

Future Goals: The Committee will continue working on drafting Part 2 (Serving the Sentence) and Part 3 (Agency Information) which should complete the Guide. The Committee will then work on distribution of the Guide in multiple formats and distributed among various agencies/sites where the target audience will most likely be able to get the information. The Committee will also consider translating the Guide into Spanish.

9. Sex Offender Registration Legislative Workgroup

Active

Committee Chair: Jeff Shay

Purpose: The Sex Offender Registration Legislative Work Group strives to ensure that sex offender registration and community notification is working effectively by addressing system-level concerns of stakeholders. The Committee works with law enforcement to examine and make suggestions for improvements to registry processes.

Major Accomplishments: In 2018, the Sex Offender Registration Legislative Workgroup provided support to the amendments made to registration requirements for incapacitated offenders. Additionally, the workgroup also helped craft the modifications to the community notification protocol. The Committee continues to identify other key registration issues and concerns while attempting to problem solve within the work group.

Future Goals: Moving forward, the Committee will continue to discuss key registration issues and identify problem areas and potential solutions. This Committee will continue to provide input into the work of the Adam Walsh Act (AWA) 18 Implementation Grant obtained by the Sex Offender Management Unit to work on further registration training for law enforcement personnel, and improvements to the Colorado Sex Offender Registry (COSOR) to better align with the Sexual Offender Tracking and Registration (SOTAR) system.

10. Sex Trafficking Workgroup

Active

Committee Chair: Michelle Geng

Purpose: Sex traffickers present with unique risk and needs that require expanded evaluation and treatment techniques. This Committee convened to review research regarding convicted male sex traffickers to determine how to best identify and respond to their unique risks, needs and responsivity factors. This Committee completed a position paper to provide additional direction to SOMB providers working with this population.

Major Accomplishments: The Committee conducted an extensive literature review regarding male offenders convicted of sex human trafficking. The purpose was to identify similarities and differences between male offenders convicted of sex trafficking related crimes and male offenders convicted under other sex crime statutes. This literature review served as the basis for the position paper.

Future Goals: This Committee will be re-convening in early 2019 to publish a position paper regarding the supervision and treatment of females convicted of sex trafficking related crimes. Additionally, this Committee will continue to review research and offer guidance to the SOMB and providers regarding sex trafficking offenders.

11. Community Notification Technical Assistance Team

Active

Committee Chair: Michelle Geng

Purpose: This Committee assists law enforcement agencies with community notification regarding sexually violent predators (SVPs) pursuant to C.R.S. §16-13-907 through §16-13-905. The purpose of this team is to review criteria and protocols, and the accompanying resources, and make appropriate changes based on contemporary research and evolving needs of law enforcement agencies who must conduct the community notification.

Major Accomplishments: This Committee reviewed the *Criteria, Protocols and Procedures for Community Notification Regarding Sexually Violent Predators*, and formulated several recommendations. These include eliminating the mandate for town-hall style meetings for the initial notification of a sexually violent predator moving to the community. The Committee also identified more cost-effective methods for notifications, including use of social media.

Future Goals: This Committee will continue to review and revise protocols and accompanying resources, such as PowerPoint presentations, to reflect aforementioned recommendations and adhere to best practices.

Appendix B. Position Paper Regarding Adult Male Sex Traffickers

Position Paper Regarding Adult Male Sex Traffickers

Colorado Sex Offender Management Board

Approved May 18, 2018

Sex trafficking is the process of one individual compelling another to engage in commercial sex acts against his or her will for the economic benefit of the trafficker.¹⁵ Convictions for any of the following sex trafficking offenses requires evaluation and treatment per the Colorado Sex Offender Management Board's *Standards and Guidelines for the Assessment, Evaluation, Treatment and Behavioral Monitoring of Adult Sex Offenders*:¹⁶

§18-7-402	Soliciting Child Prostitution
§18-7-403	Pandering of a Child
§18-7-403	Procurement of a Child
§18-7-404	Keeping a Place of Child Prostitution
§18-7-405	Pimping of a Child
§18-7-405	Inducement of Child Prostitution
§18-7-406	Patronizing a Child Prostitute
§18-3-504	Human Trafficking of a minor for Sexual Servitude

Individuals accused of, or charged with, a sexual offense present with varying levels of risk and need.¹⁷ Emerging research suggests that sex traffickers may present with a potentially unique set of characteristics. While research to date is preliminary, common themes are emerging and indicate that adult male sex traffickers may:

¹⁵ In Colorado, there are two definitions involving human trafficking for sexual servitude. Regarding adult victims, the definition is as follows: A person who knowingly sells, recruits, harbors, transports, transfers, isolates, entices, provides, receives, or obtains by any means another person for the purpose of coercing the person to engage in commercial sexual activity commits human trafficking for sexual servitude. (§18-3-504, C.R.S.). In cases in which the victim is a minor, the definition is as follows: A person who knowingly sells, recruits, harbors, transports, transfers, isolates, entices, provides, receives, obtains by any means, maintains, or makes available a minor for the purpose of commercial sexual activity commits human trafficking of a minor for sexual servitude. (§18-3-504, C.R.S).

¹⁶ §16-11.7-102, C.R.S.

¹⁷ Hargreves-Cormany, H.A., Paterson, T.D., & Murihad, Y. (2016). A typology of offenders engaging in the sex trafficking of juveniles (STJ): Implications for risk assessment. *Aggression and Violent Behavior*, 30, 40-47.

- Have high degrees of psychopathy¹⁸
- Exhibit behaviors that are criminal, aggressive and predatory in nature¹⁹
- Possess narcissistic personality traits²⁰
- Use physical, emotional, and sexual violence to control victims²¹
- Facilitate substance abuse in order to gain and maintain compliance over time²²
- Have violent criminal histories²³
- Exhibit motivations driven by money and status²⁴
- Have a decreased likelihood of being pedophilic²⁵
- Have potential gang affiliation²⁶
- Experience an inter-generational familial sub-culture that favors sex trafficking²⁷

When documenting social history and familial experiences, it is important to investigate the sex trafficker's alternative living arrangements, whether formalized through a judicial process or informal movement among relatives and acquaintances. Multiple caregivers and frequent changes in living arrangements provide insight into attachment formulation and empathy towards others.²⁸

The themes identified above may also have some relevance for females engaged in sex trafficking, but to date, there is limited research on this population. As a result, evaluators must exhibit extreme

¹⁸ Hargreves-Cormany, H.A. et al. (2016); Gotch, K., & St. Denis, C. (2015). Working with perpetrators of sex trafficking: Suggestions for research and practice. *Perspective: California Coalition on Sexual Offending (CCOSO) Quarterly Newsletter*, 14(1), 4-6; Spidel, A., Greaves, C., Cooper, B. S., Hervé, H., Hare, R. D., & Yuille, J. C. (2006). The psychopath as pimp. *The Canadian Journal of Police & Security Services*, 4(4), 193-199.

¹⁹ Hargreves-Cormany, H.A. et al. (2016).

²⁰ Gotch, K., & St. Denis, C. (2015).

²¹ Gotch, K., & St. Denis, C. (2015).

²² Busch-Armendariz, N., Nsonwu, M., & Heffron, L. (2009). Understanding Human Trafficking: The Development of Typologies of Traffickers Phase II. First Annual Interdisciplinary Conference on Human Trafficking. Gotch, K., & St. Denis, C. (2015).

²³ Gotch, K., & St. Denis, C. (2015); Hargreves-Cormany, H.A. et al. (2016); Hickie, K. & Roe-Sepowitz, D. (2017). Curiosity and a pimp: Exploring sex trafficking victimization in experiences of entering sex trade industry work among participants in a prostitution diversion program. *Women and Criminal Justice*, 27(2), 122-138.

²⁴ Gotch, K. (2016). Preliminary data on a sample of perpetrators of domestic trafficking for sexual exploitation: Suggestions for research and practice. *Journal of Human Trafficking*, (2) 99-109; Hargreves-Cormany, H.A. et al. (2016).

²⁵ Hargreves-Cormany, H.A. et al. (2016).

²⁶ Gotch, K., & St. Denis, C. (2015).

²⁷ Gotch, K., & St. Denis, C. (2015).

²⁸ Ansbrosio, M. (2008). Using attachment theory with offenders. *The Journal of Community and Criminal Justice*, 55(3), 231-244.

caution in drawing any conclusions related to this population. Likewise, evaluators should extend such caution to a sex trafficker with developmental or intellectual disabilities.

Implications for the Sex Offense-Specific Evaluation

In order to best assess the risk and needs of sex traffickers, the evaluation team will need to reach beyond the probable cause affidavit. It is incumbent upon the evaluator to obtain additional collateral information, such as police reports that will detail victim interviews and co-defendant statements. Oftentimes, additional investigation outcomes will be revealed (e.g., forensic searches of electronic devices and collateral witness interviews) after the original referral packet is received by the evaluator. Therefore, it is important to contact the referral source and prosecuting attorney to further ascertain additional investigative findings that will contribute to the evaluation conclusions and recommendations. Evaluators should seek to obtain any of the following, if available:

- Additional statements by the defendant not contained in the original probable cause affidavit.
- New co-defendant information, or new statements/information from existing co-defendants.
- Forensic searches of electronic devices or financial accounts with pertinent results.
- Newly identified victims or new statements/information from previously identified victims.²⁹
- Additional charges.
- County Department of Human Services records, if available.^{30,31}

In order to better capture the risk sex traffickers present, current sex offense-specific evaluation protocols should be supplemented with additional procedures (see above) and tools. In addition to risk assessments measuring sexual recidivism, evaluation teams should consider using research-based instruments that target possible co-occurring need areas such as psychopathy, personality disorders, relationship violence (physical and sexual),³² and anti-social attitudes, beliefs and lifestyles.³³ Evaluation teams are encouraged to strengthen current protocols with the following additional assessment tools:

Personality Assessments

- Millon Clinical Multiaxial Inventory-IV (MCMI-IV)

²⁹ Victims of sex trafficking may not see themselves as victims and this could result in complicated statements to police and other professionals.

³⁰ Additionally, many of the traffickers (and their victims) have extensive victimization histories (including physical, sexual and emotional abuse/neglect) as well as prior involvement in juvenile justice and/or child welfare systems.

³¹ DHS records can be accessed via a Release of Information signed by the client. When a release is not signed, a Court Order must be obtained in order for DHS to release records. Additional information regarding records requests is available via the following link:

<https://www.colorado.gov/pacific/archives/request>.

³² Gotch, K., & St. Denis, C. (2015); Gotch, K (2016)

³³ Id.; Burt, G., Olver, M.E. & Wong, S.C.P. (2016). Investigating characteristics of the non-recidivating psychopathic. *Criminal Justice and Behavior*, 43(12), 1741-1760.

- Minnesota Multiphasic Personality Inventory-2 (MMPI-2) or Restructured Form (MMPI-2-RF)
- Personality Assessment Inventory (PAI)

Assessment of Psychopathic Traits

- Hare Psychopathy Checklist - Revised (Hare-PCL-R)

Risk Assessments (utilize sexual and violent/criminogenic risk assessments):

- Sex Offender Treatment Intervention & Progress Scale (SOTIPS)
- Vermont Assessment of Sex Offender Risk-2 (VASOR-2)
- Violence Risk Appraisal Guide (VRAG)
- Sex Offender Risk Appraisal Guide (SORAG)
- Violence Risk Scale-Sex Offender Version (VRS-SO)
- Domestic Violence Risk and Needs Assessment (DVRNA)³⁴

Please note that the assessment tools listed above may require additional credentialing and instrument-specific training. Evaluation teams should also be well-versed in the application of such tools specific to the person being evaluated.

In addition, evaluation findings may determine that sex offense-specific treatment is not appropriate. In such instances, it is important to recommend against sex offense-specific treatment and instead suggest interventions and containment/supervision strategies that are appropriate to reduce the risk of criminal and violent recidivism, and that will likely mitigate the individual's criminogenic needs.

Given the nature of the crimes perpetrated by sex traffickers, sex offense-specific evaluations in such cases require additional information and collateral resources. Therefore, it is important that the referral source be aware of this need, so that additional time may be requested for a thorough and meaningful evaluation to be completed.

Implications for Sex Offense-Specific Treatment

Sex traffickers present several challenges for treatment providers including a lack of motivation for change, lack of pro-social supports, and resistance to losing status and financial benefits resulting from activity as a sex trafficker.³⁵ When present, psychopathy and personality disorders present therapists with additional challenges.

³⁴The DVRNA was developed based on research regarding convicted domestic violence offenders. The individual component items of the tool may be informative in identifying risk and criminogenic need factors posed by the sex trafficker. When using the tool to assess a sex trafficker who has not been convicted of a domestic violence offense, the results of the DVRNA should not be used as the sole determining factor to recommend a risk level or the need for domestic violence treatment.

³⁵ Gotch, K., & St. Denis, C. (2015).

Upon admission of a convicted sex trafficker into a sex offense-specific treatment program, it is incumbent upon the clinician to review the sex offense-specific evaluation and available collateral materials. An individualized treatment plan should then be developed based upon this information, with the risks and needs specific to the client being addressed in treatment. Ongoing assessment via the treatment process, including the use of tools appropriate to measure the risk sex traffickers pose (see above) may determine that sex offense-specific treatment will need to be augmented or replaced, in order to effectively reduce risk and meet the criminogenic needs unique to the sex trafficker. Section 3.120 and 3.160(B)(6) of the *Standards and Guidelines* requires providers to refer to adjunct treatment providers when clinically indicated.

It is important to use techniques that enhance motivation for change, build pro-social supports and help a sex trafficker recognize other ways of meeting their need for status and financial success.³⁶ Additionally, research suggests that cognitive-behavioral interventions, strong group cohesion and pro-social community connectedness (through employment, stable residence and positive support systems) may contribute to a reduction in risk.³⁷

When intervening with clients who present with psychopathic traits, it is important to be cognizant of the emerging research suggesting that some interventions increase the likelihood for reduced recidivism and establishing pro-social lifestyles.³⁸ Moral Reconciliation Therapy³⁹ demonstrates potential in reducing recidivism with populations who demonstrate a high degree of psychopathy.⁴⁰

Clinicians working with this population should be well-versed regarding research-supported strategies for clients with high levels of psychopathic traits. This would include being well-trained in cognitive-behavioral treatment. When working with sex traffickers, it is important that the clinician be knowledgeable about the research and treatments related to sexual offenses and domestic violence, as well as have a solid understanding of criminal sub-cultures and the commercial sex industry.⁴¹

³⁶ Burt, G., Oliver, M.E. & Wong, S.C.P. (2016); Gotch, K., & St. Denis, C. (2015).

³⁷ Gotch, K., & St. Denis, C. (2015).

³⁸ Harris., G.T., & Rice, M. E., (2006) *Treatment of psychopathy: A review of empirical findings*. In Patrick, C.J. (ed.), *Handbook of Psychopathy*, 555-572. New York: Guilford Press.

³⁹ Moral Reconciliation Therapy (MRT) is a systematic treatment strategy that seeks to decrease recidivism among juvenile and adult criminal offenders by increasing moral reasoning (taken from www.4emergence.com/evidence-based-practice/moral-reconciliation-therapy).

⁴⁰ Little, G. L., & Robinson, K. D. (1989). Effects of Moral Reconciliation Therapy upon moral reasoning, life purpose, and recidivism among drug and alcohol offenders. *Psychological Reports*, 64, 83-90; Little, G., Robinson, K. D., Burnette, K. D., & Swan, S. (1999). Successful ten-year outcome data on MRT-treated felony offenders: Treated offenders show significantly lower incarceration in each year. *Cognitive-Behavioral Treatment Review*, 8(1), 1-3; Little, G. L. (2001) Meta-analysis of MRT recidivism research on post-incarceration adult felony offenders. *Cognitive-Behavioral Treatment Review*, 10 (3/4), 4-6;

Little, G.L. (2005). Meta-analysis of moral reconciliation therapy: Recidivism results from probation and parole implementations. *Advanced Training Reference: Cognitive-Behavioral Treatment Review*, 14(1/2), 14-16; Spidel, A., Greaves, C., Cooper, B. S., Hervé, H., Hare, R. D., & Yuille, J. C. (2006). The psychopath as pimp. *The Canadian Journal of Police & Security Services*, 4 (4), 193-199.

⁴¹ Gotch, K., & St. Denis, C. (2015); Harris., G.T., & Rice, M. E., (2006).

Conclusion

As previously stated, research on sex traffickers is preliminary and emerging. While not all male sex traffickers fit one specific profile, there are common themes that have been identified in the literature that may be helpful for evaluators, treatment providers, and supervision officers working with this population. It is essential that those working with sex traffickers carefully evaluate their risk and criminogenic needs, and design treatment and supervision plans that directly address these concerns. This may or may not include the need for sex offense-specific treatment, and regardless of whether this need exists, sex traffickers typically present with a number of other needs that must be addressed in supervision and treatment planning.

Professionals with expertise in this area (i.e., psychopathic offenders, anti-social orientation, sex trafficking, etc.) should be sought and relied upon to help direct this work, and it is incumbent upon professionals to not practice outside their scope of expertise. Providers should consider consulting with experienced practitioners when developing treatment and supervision strategies, as well as to identify possible resources that may aid in information gathering. For further guidance related to working with the sex trafficking population, contact the Adult Standards Coordinator at 303.239.4499.

Sex Offender Management Board Application Review Committee Outcome of Received Complaints, 2015-2017

Summary of ARC Decisions

- In the three-year period of 2015 - 2017, 59 complaints were filed.
 - 76% (45 cases) fell under the SOMB purview, (e.g. a *Standard* was violated)
 - Of these, five cases were founded (11%)
 - In four cases, the subject of the complaint voluntarily removed themselves from approved provider list
 - One case resulted in de-listment

Overview of Application Review Committee (ARC)

Organization

- ARC meets twice per month on the 2nd and 4th Wednesday of each month to:
 - Review applications
 - Review complaints, and
 - Discuss issues pertaining to providers under the purview of the Sex Offender Management Board (SOMB)
- Consists of six SOMB members and 2 SOMB Staff members
 - Voting members
 - Carl Blake - Chair, Juvenile/Developmental or Intellectual Disability Treatment Provider, and Supervisor
 - Missy Gursky - Juvenile/Adult/Developmental or Intellectual Disability Treatment Provider, Evaluator, and Supervisor
 - Rick May - Juvenile/Adult Treatment Provider, Evaluator, and Supervisor
 - Kandy Moore - Adult Treatment Provider, and Supervisor
 - Jeff Jenks - Juvenile/Adult Polygraph Examiner
 - Angel Weant - Probation
 - Non-voting members
 - Raechel Alderete - SOMB Staff, Juvenile Standards Coordinator
 - Michelle Geng - SOMB Staff, Adult Standards Coordinator

Application Review Process

- Materials are reviewed prior to meeting to ensure all required documents are present
- Application materials are provided to each ARC member at meeting
- Applications are reviewed and discussed by ARC members
- Final decision is made:
 - Approve provider
 - Request additional information
 - Approve provider with guidance for improvement
 - Deny provider (provider may appeal to SOMB)

Complaints

- Materials are reviewed to ensure all required documents are present
- Copy of complaint is sent to the Department of Regulatory Agencies (DORA) when the complaint involves a treatment provider
- Complaint materials are reviewed by ARC members to verify that:
 - The SOMB has purview
 - Specific violations of the *Standards and Guidelines* can be identified
- Letter is sent to the provider requesting a response to the complaint
 - Investigations are conducted as needed by an outside investigator, hired by the SOMB
- Complaint materials and response materials are reviewed by ARC members
 - Deliberations occur to determine decision
- Final decision is made:
 - Dismiss complaint as unfounded
 - Resolve through mutual agreement of both parties
 - Complaint is founded and sanction is issued

Complaint Analysis

Purpose

- The purpose of this analysis was to examine the number of founded and unfounded complaints, actions taken by ARC, and the reasons for various outcomes.

Methods

- Complaints filed between 2015 and 2017
- Data collected from:
 - Provider Files
 - Provider Database
 - Meeting Minutes
- 59 total complaints
 - 76% (45) Under SOMB Purview
 - Not under SOMB purview includes cases where the complainant or subject of the complaint is not subject to SOMB *Standards*, or where there was no associated *Standard* with the behavior, among others.
 - Some findings are not issued until after a DORA disposition.⁴²

Results

- All Cases, n=59 (Including Cases not under SOMB purview)
 - Complaint filed against
 - Treatment provider: 88% (52)
 - Polygraph examiner: 12% (7)
 - Complaint filed by
 - Offender: 56% (33)
 - Provider: 5% (3)
 - Offender Family Member: 3% (2)
 - ARC: 3% (2)
 - DORA: 3% (2)
 - Other⁴³: 22% (13)
 - Anonymous: 7% (4)
 - DORA
 - Reported to DORA
 - 51% (30) of cases reported to DORA by the SOMB
 - 41% (24) of cases reported to the SOMB by DORA
 - 5% (3) of cases not applicable to report to DORA⁴⁴
 - 3% (2) missing data
 - DORA investigation conducted
 - 83% (49) of cases investigated by DORA (that is, DORA requested response from provider regarding allegations)
 - DORA resolution
 - Insufficient grounds: 42% (25)
 - Letter of admonition: 5% (3)

⁴² This is frequently because no violation of the *Standards* exists at the time of the complaint, however, if DORA issues a finding or a sanction, the provider is considered “not in good standing” which is a *Standards* violation.

⁴³ Other includes: former employees, non-family member advocates, victim, etc.

⁴⁴ Polygraph examiners are not subject to DORA regulations.

- Stipulation⁴⁵: 5% (3)
 - Open complaint/Not yet resolved: 3% (2)
 - Dismissed⁴⁶: 36% (21)
 - Not applicable⁴⁷: 9% (5)
 - ARC
 - Additional information requested after response received
 - Yes: 54% (32)
 - No⁴⁸: 37% (22)
 - Not Applicable⁴⁹: 9% (5)
 - Finding
 - 81% (48) of cases were deemed unfounded; 5 of these cases deemed unfounded after DORA resolution reached
 - 9% (5) of cases were deemed founded; 1 of these cases deemed founded after DORA resolution reached
 - 10% (6) of cases were not applicable⁵⁰
 - Finding determination
 - 39% (23) of cases provided supporting documents or collateral information which disproved the complaint
 - 17% (10) of cases based on incorrect or outdated information
 - 19% (11) of cases had no associated standard
 - 9% (5) of cases were anonymous or incomplete complaints
 - 17% (10) of cases were not applicable⁵¹
 - Appeals
 - One case appealed after ARC deemed complaint founded and issued sanction of delisting
 - Finding and sanction were upheld by the SOMB
- SOMB Purview Only, n=45⁵²
 - Complaint filed against
 - Treatment provider: 87% (39)
 - Polygraph examiner: 13% (6)
 - Complaint filed by
 - Offender: 71% (32)
 - Provider: 2% (1)
 - Offender family member: 4% (2)
 - ARC: 4% (2)
 - DORA: 2% (1)
 - Other⁵³: 11% (5)

⁴⁵ Stipulations include any terms or instructions with which a provider needs to abide in order to remain compliant with DORA.

⁴⁶ Cases were dismissed if requirements were fulfilled and therefore nullifying the complaint, if the complaint was being withdrawn prior to an official resolution being issued, or if the complaint did not move forward.

⁴⁷ Not applicable cases included complaints against polygraph examiners which were reported to DORA (see footnote 3)

⁴⁸ Additional information not requested from provider if information was already available from DORA.

⁴⁹ Not Applicable included anonymous complaints and those not under SOMB purview.

⁵⁰ Not Applicable included anonymous complaints, those not under SOMB purview, or provider voluntarily relinquished status.

⁵¹ Not Applicable included complaints that were not under SOMB purview and complaints not yet resolved.

⁵² Out of the original 59 cases.

⁵³ Other includes former employees, non-family member advocates, victim, etc.

- Anonymous: 4% (2)
- DORA
 - Reported to DORA
 - 67% (30) of cases reported to DORA by the SOMB
 - 22% (10) of cases reported to the SOMB by DORA
 - 11% (5) of cases not applicable to report to DORA⁵⁴
 - DORA investigation conducted
 - 78% (35) of cases investigated by DORA (requested response from provider regarding allegations)
 - DORA resolution
 - Insufficient grounds: 33% (15)
 - Letter of admonition: 7% (3)
 - Stipulation⁵⁵: 4% (2)
 - Open complaint/Not yet resolved: 2% (1)
 - Dismissed⁵⁶: 42% (19)
 - Not applicable⁵⁷: 11% (5)
- ARC
 - Additional information requested after response received
 - Yes: 71% (32)
 - No⁵⁸: 24% (11)
 - Not Applicable⁵⁹: 4% (2)
 - Finding
 - 87% (39) of cases were deemed unfounded; 5 were deemed unfounded after DORA resolution was reached
 - 11% (5) of cases were deemed founded; one of these was deemed founded after DORA resolution was reached
 - 2% (1) of cases were not applicable⁶⁰
 - Complaint resolution
 - 87% (39) of cases resulted in no standards violations being found
 - 2% (1) of cases were required to comply with a DORA stipulation
 - 9% (4) of cases voluntarily removed themselves as providers (inactive)
 - 2% (1) case resulted in de-listment
 - Finding determination
 - 51% (23) of cases provided supporting documents or collateral information which disproved the complaint
 - 22% (10) of cases based on incorrect or outdated information
 - 4% (2) of cases had no associated standard
 - 7% (3) of cases were anonymous or had incomplete complaints
 - 16% (7) of cases were not applicable⁶¹

⁵⁴ Polygraph examiners are not subject to DORA regulations.

⁵⁵ Stipulations include any terms or instructions with which a provider needs to abide in order to remain compliant with DORA.

⁵⁶ Cases were dismissed if requirements were fulfilled and therefore nullifying the complaint if the complaint was being withdrawn prior to an official resolution being issued or if the complaint did not move forward.

⁵⁷ Not applicable cases included complaints against polygraph examiners which were reported to DORA.

⁵⁸ Additional information not requested from provider if information was already available from DORA.

⁵⁹ Not Applicable included anonymous complaints and incomplete complaints.

⁶⁰ Not Applicable included incomplete complaints.

⁶¹ Not Applicable included complaints that were not yet resolved or founded complaints.

- Appeals
 - One case appealed after ARC deemed complaint founded and issued sanction of delisting
 - Finding and sanction were upheld by the SOMB

Appendix D. Juvenile Registration White Paper

Sex Offender Management Board White Paper on the Research, Implications and Recommendations Regarding Registration and Notification of Juveniles Who Have Committed Sexual Offenses August 2017

INTRODUCTION

The Colorado Sex Offender Management Board (SOMB) was created by 1992 legislation and under current statute the SOMB is charged with developing standards and guidelines for the evaluations, treatment, and supervision of adult sex offenders and juveniles who have committed sexual offenses. The SOMB is a multidisciplinary board of experts in the field representing victim advocacy, law enforcement, prosecution, legal supervision, human services, judges/magistrates, treatment, polygraph, education, defense attorneys, and county commissioners.

In response to growing concerns about the effectiveness and impacts of sex offender registration and notification (SORN) on juveniles⁶² who have committed sexual offenses, the Sex Offender Management Board (SOMB) was asked to identify a committee of experts in the field to review current local and national laws, relevant research, and to provide recommendations to address the negative implications for juveniles as a result of SORN. A committee of treatment providers, evaluators, law enforcement, and attorneys was formed to explore the topic and write a White Paper. This White Paper will:

- discuss applicable laws including the Adam Walsh Act and the Sex Offender Registration and Notification Act (SORNA);
- discuss potential benefits of juvenile SORN, including its utility as a law enforcement tool;
- review the research as it pertains to juvenile SORN, including a challenge to the notion that SORN increases community safety and decreases recidivism;
- discuss potential collateral consequences, both intended and unintended, for juveniles, including a reduction in successful community integration and an increase in the risk for suicide following a requirement for SORN; and
- present recommendations for an enhanced SORN system in Colorado.

LEGAL BACKGROUND

Sex offender registration is a civil regulatory process requiring those individuals convicted of a sex offense to provide certain information (e.g., address, employment, internet identifiers, etc.) to law enforcement, and update this information on a regular and as-needed basis. Community notification encompasses the providing of certain information regarding registrants to the public via passive (e.g., sex offender registry public website) or active (e.g., law enforcement proactively provides registrant information to certain members of the public, such as those living in proximity to the registrant). Despite the public perception that SORN is punishment, the legislative mandate was not intended to serve this purpose.

Registration was first used in the 1930s with repeat criminal offenders as well as sex offenders. California became the first state to implement sex offender registration in 1947, while Washington became the first state to implement community notification on sex offenders in 1990.

⁶² The term “juvenile” is used throughout this paper and refers to those youth who are eligible to be subject to SORN. In Colorado, all juveniles ages 10-18 who are adjudicated for a specified sex crime may be subject to SORN.

The federal government has passed a series of SORN laws beginning in 1994. According to the Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART Office):⁶³

1994 - Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act - Enacted as a part of the Omnibus Crime Bill of 1994, the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act :

- Established guidelines for states to track adult sex offenders,⁶⁴
- Required states to track adult sex offenders by confirming their place of residence, annually for ten years after their release into the community or quarterly for the rest of their lives if the sex offender was convicted of a violent sex crime.

1996 - Megan's Law - During the mid-1990s, every state along with the District of Columbia, passed legislation consistent with Megan's Law. In January of 1996, Congress enacted the federal Megan's Law that:

- Provided for the public dissemination of information from states' sex offender registries,
- Provided that information collected under state registration programs could be disclosed for any purpose permitted under a state law,
- Required state and local law enforcement agencies to release relevant information necessary to protect the public about persons registered under a State registration, program established under the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act.

2006 - Adam Walsh Child Protection and Safety Act - Repealed the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Act, and Megan's Law, and created a new federal SORN law that:

- Created a new baseline standard for jurisdictions to implement regarding sex offender registration and notification,
- Expanded the definition of "jurisdiction" to include 212 Federally-recognized Indian Tribes, of whom 197 have elected to stand up their own SORN systems,
- Expanded the number of sex offenses that must be captured by registration jurisdictions to include all State, Territory, Tribal, Federal, and UCMJ sex offense convictions, as well as certain foreign convictions,
- Created the Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART Office) within the Department of Justice, Office of Justice Programs, to administer the standards for SORN, administer the grant programs authorized by the Adam Walsh Act, and coordinate related training and technical assistance,
- Required registration jurisdictions for the first time to register all juveniles over the age of 14 adjudicated for certain sex crimes to be subject to SORN. The SMART Office subsequently modified this requirement twice through supplemental guidelines to first allow states not to publish juvenile registration information on a public website, and

⁶³ <https://www.smart.gov/legislation.htm>

⁶⁴ The Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, and the subsequent Megan's Law amendment, did not include a requirement to register juveniles adjudicated for a sex crime, but set minimum requirements and did not preclude states from registering juveniles.

then to eliminate the requirement to register juveniles at all contingent on a system to apply SORN to those juveniles who are waived over and convicted in adult criminal court.

COLORADO SORN REQUIREMENTS FOR JUVENILE

Colorado is among the forty (40) states requiring SORN for any juvenile adjudicated for a sexual offense in juvenile court.⁶⁵ In Colorado, the duty to register as a sex offender is mandatory for almost all enumerated sex crimes resulting in a juvenile adjudication or deferred adjudication.⁶⁶ Colorado also requires registration following an adjudication or deferred adjudication for a nonsexual crime if the crime is determined to have a sexual factual basis.

By default, a juvenile's duty to register is for life. There are statutory provisions to seek relief from the duty to register "after the successful completion of and discharge from a juvenile sentence or disposition ... if the person prior to such time has not been subsequently convicted or has a pending prosecution for unlawful sexual behavior...."⁶⁷

Additionally, Colorado requires individuals to register if they were adjudicated in another state or jurisdiction in which they were ever required to register as a sex offender.⁶⁸ The duty to register based upon an out-of-state adjudication applies in Colorado, even if the person was already relieved of the duty to register by the state of adjudication.⁶⁹ In such cases the default duty to register is for life unless and until they reach eligibility to petition for relief from registration.⁷⁰ Moreover, even if the person was never required to register in the jurisdiction of adjudication, if s/he would have been required to register if adjudicated of the same offense in Colorado, s/he must commence registration as a sex offender in Colorado during any periods of temporary or permanent residency.⁷¹

Juveniles who are prosecuted for sexual offenses in adult court in Colorado or another state or jurisdiction are subject to Colorado's adult registration requirements and, if statutorily eligible, may be screened for Colorado's mandatory, lifetime status of "Sexually Violent Predator," which includes increased registration requirements and community notification.⁷²

REVIEW OF THE RESEARCH

Potential benefits and limitations of registration and notification policies

The sex offender registry was originally developed as a tool for law enforcement to assist with criminal investigations through the identification of a pool of suspects (known sex offenders). The belief was that law enforcement would be able to identify potential suspects for sex offenses committed by registrants, or conversely rule out suspects for sex offenses committed by non-registrants.

Subsequently, public notification of registrant information was added based upon the belief that

⁶⁵ http://impactjustice.org/wp-content/uploads/2016/08/50-STATE-BREAKDOWN-CHART_July_2016.pdf

⁶⁶ The trial court may exercise its discretion to exempt a child from the mandatory juvenile registration requirement only if the child has not been previously charged with unlawful sexual behavior, the "offense, as charged in the first petition filed with the court, is a first offense of either misdemeanor unlawful sexual contact, as described in section 18-3-404, C.R.S., or [misdemeanor] indecent exposure, as described in section 18-7-302, C.R.S.," and the juvenile meets other statutory criteria. C.R.S. § 16-22-103(5) (emphasis added).

⁶⁷ C.R.S. § 16-22-113(1) (e).

⁶⁸ C.R.S. § 16-22-103(3).

⁶⁹ Id.

⁷⁰ Id., see also § 16-22-113.

⁷¹ C.R.S. § 16-22-103(3).

⁷² C.R.S. §§ 18-3-414.5, 16-13-901 et seq., and 16-22-108.

providing information about who and where sex offenders are would allow the public to take precautionary steps to avoid contact with them and prevent from being sexually victimized. Therefore, in studying the benefits of SORN for juveniles adjudicated for sexual offenses, these benefits to law enforcement and the public should also be considered, in addition to the perceptions that registration could reduce juvenile sexual recidivism (not one of the original stated purposes of SORN).

There has been no research to date on the impact of SORN for juveniles related to the potential benefits for law enforcement and the public. However, there have been studies that have looked at the general impact of SORN on both law enforcement officials and public attitudes and behaviors, which would presumably include the impact of juvenile SORN. In a study of law enforcement officers, Harris and colleagues (2016) found that there was general support for the use of SORN as a criminal investigation tool. On the other hand, law enforcement officers had less confidence in the use of registrant information by the public.⁷³

When surveying the public, one multistate study ($n = 115$ from 15 states) of community members found general familiarity with and support for SORN, along with a belief that SORN prevents offending.⁷⁴ State-level surveys of community members regarding SORN in Florida, Nebraska, Washington, and Wisconsin found that the public—

- was aware of and supported SORN,⁷⁵
- thought it was fair,⁷⁶
- believed that it provides safety for their family,⁷⁷
- thought it makes sex offenders follow the law,⁷⁸

⁷³ Harris, A.J., Lobanov-Rostovsky, C., & Levenson, J.S. (2016). *Law Enforcement Perspectives on Sex Offender Registration and Notification*. Retrieved from: <https://www.ncjrs.gov/pdffiles1/nij/grants/250181.pdf>

⁷⁴ Schiavone, S.K., & Jeglic, E.L. (2009). Public perception of sex offender social policies and the impact on sex offenders. *International Journal of Offender Therapy and Comparative Criminology*, 53(6), 679-695.

⁷⁵ Anderson, A.L., & Sample, L.L. (2008). Public awareness and action resulting from sex offender community notification laws. *Criminal Justice Policy Review*, 19(4), 371-396; Lieb, R., & Nunlist, C. (2008). *Community Notification as Viewed by Washington's Citizens: A 10-Year Follow-Up*. Olympia, WA: Washington State Institute for Public Policy. Retrieved from: www.wsipp.wa.gov/rptfiles/08-03-1101.pdf.

⁷⁶ Brannon, Y.N., Levenson, J.S., Fortney, T., & Baker, J.N. (2007). Attitudes about community notification: A comparison of sexual offenders and the non-offending public. *Sexual Abuse*, 19, 369-379.

⁷⁷ Anderson, A.L., & Sample, L.L. (2008). Public awareness and action resulting from sex offender community notification laws. *Criminal Justice Policy Review*, 19(4), 371-396; Lieb, R., & Nunlist, C. (2008). *Community Notification as Viewed by Washington's Citizens: A 10-Year Follow-Up*. Olympia, WA: Washington State Institute for Public Policy. Retrieved from: www.wsipp.wa.gov/rptfiles/08-03-1101.pdf; Zevitz, R.G., & Farkas, M.A. (2000). *Sex Offender Community Notification: Assessing the Impact in Wisconsin*. Washington, DC: U.S. Department of Justice, Office of Justice Programs, National Institute of Justice.

⁷⁸ Brannon, Y.N., Levenson, J.S., Fortney, T., & Baker, J.N. (2007). Attitudes about community notification: A comparison of sexual offenders and the non-offending public. *Sexual Abuse*, 19, 369-379; Center for Sex Offender Management (CSOM). (2001). *Community Notification and Education*. Silver Spring, MD: Center for Sex Offender Management. Retrieved from: www.csom.org/pubs/notedu.pdf; Lieb, R., & Nunlist, C. (2008). *Community Notification as Viewed by Washington's Citizens: A 10-Year Follow-Up*. Olympia, WA: Washington State Institute for Public Policy. Retrieved from: www.wsipp.wa.gov/rptfiles/08-03-1101.pdf; Phillips, D. (1998). *Community Notification as Viewed by Washington's Citizens*. Olympia, WA: Washington State Institute for Public Policy. Retrieved from: www.wsipp.wa.gov/rptfiles/CnSurvey.pdf.

- saw the benefits of SORN and learning about sex offenders through SORN,⁷⁹
- accessed the registry (31 percent), but those who did were more likely to be female, to be affluent, and to have children,⁸⁰
- took preventive measures (38 percent) based on SORN information,⁸¹
- reported suspicious behavior of offenders (3 percent),⁸² and
- fear of sex offenders was related to support of registration requirements.⁸³

When victims/survivors of sexual assault were surveyed, respondents (n=598) reported support for SORN to be applied equally to all sexual offenders regardless of the relationship to the victim and did not believe it impacted reporting by survivors to law enforcement. Survey results provided less support for SORN as a mechanism to enhance public safety or deter future sexual offending, however, and indicated concerns related to SORN providing the community a false sense of security.⁸⁴ Professionals serving victims report victims may face life-long struggles and impacts as a result of being sexually assaulted, and a concern expressed by some victims is that when SORN is not implemented, perpetrators of sex crimes have the opportunity to put the crime behind them and potentially “forget” about the harm they caused.⁸⁵ Victims often ask if the perpetrator of the sexual offense will have to comply with SORN and endure a lifelong consequence just as they do.

Proponents of juvenile registration have argued that juvenile who commit a sexual offense pose a unique threat to the public and potential victims to sexually reoffend.⁸⁶ These advocates claim that collecting and providing public information about the residences of these juvenile will allow law enforcement, citizens, and entities such as schools and potential employers to better surveil and take precautions in how and whether they engage with them. Purportedly, these safeguards will reduce the risk of sexual re-offense.

Recent research into the registration of juveniles who have committed a sexual offense, however, has called into question past assumptions about juvenile who have sexually offended and the ability of SORN systems to affect sexual re-offense. Studies of juveniles who have committed a sexual offense comparing those who have been required to register to those who have not been required to register

⁷⁹ Center for Sex Offender Management (CSOM). (2001). *Community Notification and Education*. Silver Spring, MD: Center for Sex Offender Management. Retrieved from: www.csom.org/pubs/notedu.pdf; Lieb, R., & Nunlist, C. (2008). *Community Notification as Viewed by Washington's Citizens: A 10-Year Follow-Up*. Olympia, WA: Washington State Institute for Public Policy. Retrieved from: www.wsipp.wa.gov/rptfiles/08-03-1101.pdf; Phillips, D. (1998). *Community Notification as Viewed by Washington's Citizens*. Olympia, WA: Washington State Institute for Public Policy. Retrieved from: www.wsipp.wa.gov/rptfiles/CnSurvey.pdf.

⁸⁰ Sample, L.L., Evans, M.K., & Anderson, A.L. (2011). Sex offender community notification laws: Are their effects symbolic or instrumental in nature? *Criminal Justice Policy Review*, 22(1), 27-49.

⁸¹ Anderson, A.L., & Sample, L.L. (2008). Public awareness and action resulting from sex offender community notification laws. *Criminal Justice Policy Review*, 19(4), 371-396.

⁸² Lieb, R., & Nunlist, C. (2008). *Community Notification as Viewed by Washington's Citizens: A 10-Year Follow-Up*. Olympia, WA: Washington State Institute for Public Policy. Retrieved from: www.wsipp.wa.gov/rptfiles/08-03-1101.pdf.

⁸³ Kernsmith, P. D., Craun, S. W., & Foster, J. (2009). Public attitudes toward sexual offenders and sex offender registration. *Journal of child sexual abuse*, 18(3), 290-301.

⁸⁴ Craun, S.W., & Simmons, C.A. (2012). Taking a Seat at the Table: Sexual Assault Survivors' Views of Sex Offender Registries. *Victims and Offenders*, 7, 312-326.

⁸⁵ Sex Offender Management Board Victim Advocacy Committee Meeting. (2017). *June 8, 2017 Meeting Minutes*.

⁸⁶ Chaffin, M. (2008). Our minds are made up - don't confuse us with the facts: Commentary on policies concerning children with sexual behavior problems and juvenile sex offenders. *Child Maltreatment*, 110-121; Letourneau, E., & Miner, M. (2005). Juvenile sex offenders: A case against the legal and clinical status quo. *Sexual Abuse: A Journal of Research and Treatment*, 292-312.

have shown that those who register have higher rates of nonsexual recidivism.⁸⁷ In addition, these studies have shown that registries:

- fail to identify those individuals at a higher risk to sexually reoffend,
- fail to predict sexual recidivism,
- fail to reduce sexual recidivism, and
- subject registered juveniles to higher rates of arrest for sexual offenses but do not result in new sexual adjudications.⁸⁸

Moreover, the specter of SORN has heavily influenced plea bargaining practices with many juveniles pleading to lesser charges to avoid SORN and, in some cases, becoming ineligible for government-funded treatment as a result.⁸⁹ Harsh SORN policies have also been correlated with a dramatic decrease in the odds that a prosecutor would move forward in the prosecution of sexual offense charges.⁹⁰

Finally, after conducting a cost-benefit analysis, one scholar found SORN did not yield net benefits and recommended reforms to include removal of juvenile registrants, increased opportunities for prosecutorial discretion, and better risk assessment.⁹¹

Recidivism

The public may consider juvenile SORN a community safety measure to protect from sexual re-offense. Researchers have conceded, however, that there is no statistically significant difference in sexual reoffense rates between juveniles who have committed sexual offenses and juveniles who commit

⁸⁷ Bastastini, A., Hunt, E., & Damatteo, D. (2011). Federal standards for community registration of juvenile sex offenders: An evaluation of risk prediction and future implications. *Psychology, Public Policy & Law*, 451-474; Caldwell, M., Ziemke, M., & Vitacco, M. (2008). An examination of the sex offender registration and notification act as applied to juveniles: Evaluating the ability to predict sexual recidivism. *Psychology, Public Policy & Law*, 89-114; Letourneau, E., & Armstrong, K. (2008). Recidivism rates for registered and nonregistered juvenile sexual offenders. *Sexual Abuse: A Journal of Research and Treatment*, 393-408; Letourneau, E., Bandyopadhyay, D., Sinha, D., & Armstrong, K. (2009). The influence of sex offender registration on juvenile sexual recidivism. *Criminal Justice Policy Review*, 136-153.

⁸⁸ Bastastini, A., Hunt, E., & Damatteo, D. (2011). Federal standards for community registration of juvenile sex offenders: An evaluation of risk prediction and future implications. *Psychology, Public Policy & Law*, 451-474; Caldwell, M., Ziemke, M., & Vitacco, M. (2008). An examination of the sex offender registration and notification act as applied to juveniles: Evaluating the ability to predict sexual recidivism. *Psychology, Public Policy & Law*, 89-114; Letourneau, E., & Armstrong, K. (2008). Recidivism rates for registered and nonregistered juvenile sexual offenders. *Sexual Abuse: A Journal of Research and Treatment*, 393-408 (comparing juvenile who had committed a sexual offense between those required to register and those not required to register and finding no statistically significant differences in sexual recidivism but 85% higher odds of general recidivism in the registered juvenile); Letourneau, E., Bandyopadhyay, D., Sinha, D., & Armstrong, K. (2009). The influence of sex offender registration on juvenile sexual recidivism. *Criminal Justice Policy Review*, 136-153.

⁸⁹ Calley, N. (2008). Juvenile sex offenders and sex offender legislation: Unintended consequences. *Federal Probation*, 37-41; Letourneau, E., Armstrong, K., Bandyopadhyay, D., & Sinha, D. (2012). Sex offender registration and notification policy increases juvenile plea bargains. *Sexual Abuse: A Journal of Research and Treatment*, 189-207.

⁹⁰ Letourneau, E., Bandyopadhyay, D., Sinha, D., & Armstrong, K. (2009). Effects of sex offender registration policies on juvenile justice decision making. *Sexual Abuse: A Journal of Research and Treatment*, 149-165.

⁹¹ Levenson, J., Grady, M., & Leibowitz, G. (2016). Grand challenges: Social justice and the need for evidence-based sex offender registry reform. *Journal of Sociology & Social Welfare*, 3-38 (citing Belzer, R. (2015). *The costs and benefits of subjecting juveniles to sex-offender registration and notification* (R Street Policy Study 41). Retrieved from <http://www.rstreet.org/wp-content/uploads/2015/09/RSTREET41.pdf>).

other types of offenses.⁹² During a five-year follow-up period, studies examining the recidivism rates of juveniles who commit sexual offenses have generally reported sexual recidivism rates ranging from 2.7% to 13%, with general criminal recidivism rates ranging up to 43%⁹³ Consequently, research does not support public policy which seeks to identify and register juveniles who commit sexual offenses based on the incorrect assumption that they have a higher likelihood to commit a new sexual offense than other delinquent juveniles. While risk assessment tools are available for use with juvenile populations,⁹⁴ currently there are no empirically valid risk assessment tools which are able to accurately determine the risk of recidivism for juveniles who commit sexual offenses in the long term. Risk assessments for juveniles who commit sexual offenses may be beneficial, however, in determining short-term risk.⁹⁵

SORN Impact on the Juvenile

Some policymakers perceive juveniles who commit sexual offenses as a threat to community safety. The application of SORN policy to juveniles implies that juveniles who are registered are at a higher risk than their peer group to commit a new sexual offense. Research from a survey of juvenile treatment providers suggests, however, that SORN may inadvertently increase risk by isolating juveniles from their peer social networks, and disrupting their education and potential employment.⁹⁶ Further, this study indicates that juveniles under SORN requirements are likely to experience harassment, physical violence, difficulty in school, and trouble maintaining stable housing as their pro-social development is disordered.⁹⁷ Juveniles who are required to register as sex offenders face stigmatization, isolation, and depression. Many consider suicide, and some succeed. Registered children have a 400% higher odds of having *attempted* suicide in the past 30 days compared to nonregistered children who had committed comparable sex offenses.⁹⁸ Juvenile treatment providers

⁹² Caldwell, M. (2007). Sexual offense adjudication and sexual recidivism among juvenile offenders. *Sex abuse*, 107-113; Caldwell, M., Ziemke, M., & Vitacco, M. (2008). An examination of the sex offender registration and notification act as applied to juveniles: Evaluating the ability to predict sexual recidivism. *Psychology, Public Policy & Law*, 89-114.

⁹³ Alexander, M.A. (1999) Sexual offenders treatment efficacy revisited. *Sexual Abuse: A Journal of Research and Treatment*, 11(2), 101-116; Caldwell, M. (2010). Study characteristics and recidivism base rates in juvenile sex offender recidivism. *International Journal of Offender Therapy and Comparative Criminology*, 197-212; Caldwell, M. (2016). Quantifying the decline in juvenile sexual recidivism rates. *Psychology, Public Policy & Law*, 1-13; Reitzel, L.R., & Carbonell, J.L. (2006). The effectiveness of sexual offender treatment for juveniles as measured by recidivism: A meta-analysis. *Sexual Abuse: A Journal of Research and Treatment*, 18, 401-421.

⁹⁴ Caldwell, M., Ziemke, M., & Vitacco, M. (2008). An examination of the sex offender registration and notification act as applied to juveniles: Evaluating the ability to predict sexual recidivism. *Psychology, Public Policy & Law*, 89-114.

⁹⁵ Fanniff, A.M., & Letourneau, E.J. (2012). Another piece of the puzzle: Psychometric properties of the J-SOAP-II. *Sexual Abuse: A Journal of Research and Treatment*, 24(4), 378-408; Vitacco, M.J., Caldwell, M., Ryba, N.L., Malesky, A., & Kurus, S.J. (2009). Assessing risk in adolescent sexual offenders: Recommendations for clinical practice. *Behavioral Sciences and the Law*, 27, 929-940; Worling, J.R., Bookalam, D., & Litteljohn, A. (2012). Prospective validity of the Estimate of Risk of Adolescent Sexual Offense Recidivism (ERASOR). *Journal of Sexual Abuse: A Journal of Research and Treatment*, 24(3), 203-223.

⁹⁶ Harris, A., Walfield, S., Shields, R. & Letourneau, E. (2016). Collateral consequences of juvenile sex offender registration and notification: Results from a survey of treatment providers. *Sexual Abuse: A Journal of Research and Treatment*, 770-790.

⁹⁷ Harris, A., Walfield, S., Shields, R. & Letourneau, E. (2016). Collateral consequences of juvenile sex offender registration and notification: Results from a survey of treatment providers. *Sexual Abuse: A Journal of Research and Treatment*, 770-790.

⁹⁸ Letourneau, E.J., Harris, A.J. & Shields, R.T., *Impact of Sex Crime Policies on Juvenile and their Families*. 2016 ATSA Conference Poster.

indicated that negative impacts were reported for 85% of registered juveniles with approximately 20% having attempted suicide.⁹⁹

SORN policy for juveniles is driven by misperceptions and inconsistencies regarding this population. Juveniles who have committed a sexual offense are part of a diverse population, with risks and needs that are not fixed, but rather are dynamic and changing based upon the juvenile's development and shifts in his/her circumstances.

According to professionals working with juveniles who commit sexual offenses who have concerns regarding subjecting this population to SORN, this policy may label them for life and impede their chances to become successful, educated, employable adults. Juveniles who are subject to SORN may be denied housing, jobs and education. They may also be vulnerable to cycles of incarceration for failing to update their addresses on time with local police if they become homeless, or forgetting to change their employment status if they obtain a new job.¹⁰⁰ Additionally, registries not only potentially harm registrants but also their families, their communities, and in some cases even their victims. Because child-on-child sexual harm often occurs within the family, placing a juvenile in a SORN system often also tears apart a victim's family and creates a risk that a victim's status as a victim will be revealed against his/her wishes.¹⁰¹

The application of these policies to juveniles likely works to disrupt prosocial development, through negative impacts on peer networks, school, and employment opportunities.¹⁰² Indeed, Chaffin (2008; p. 113) argued that subjecting juveniles to SORN "creates both direct stigmatization and can set in motion a series of cascading policy effects resulting in social exclusion and marginalization."¹⁰³

There are misperceptions that if a juvenile attends school, everyone in that school must be informed of the registered juvenile. This includes teachers and parents of all students. Some schools have advised visiting schools of registration when the juvenile attends sporting events, club functions or school dances. Other examples include notifying an employer about registration which may cause the juvenile to potentially lose their job and impact protective factors. A group representing professionals working with juveniles who commit sexual offenses (2016; pp. 1-2) noted, "Current research findings identified

⁹⁹ Levenson, J., Grady, M., & Leibowitz, G. (2016). Grand challenges: Social justice and the need for evidence-based sex offender registry reform. *Journal of Sociology & Social Welfare*, 3-38 (citing Harris, A. J., Walfield, S. M., Shields, R. T., & Letourneau, E. J. (2015). Collateral consequences of juvenile sex offender registration and notification results from a survey of treatment providers. *Sexual Abuse: A Journal of Research and Treatment*).

¹⁰⁰ Human Rights Watch. (2013). *Raised on the Registry: The Irreparable Harm of Placing Children on Sex Offender Registries in the US*. Retrieved from: https://www.hrw.org/sites/default/files/reports/us0513_ForUpload_1.pdf; National Juvenile Justice Network and Others (2016). Comments on the Proposed Supplemental Guidelines for Juvenile Registration Under the Sex Offender Registration And Notification Act. Retrieved from: <http://www.njjn.org/uploads/digital-library/Youth%20Justice%20Experts%20Response%20to%20SORNA%20Supplemental%20Guidelines.pdf>

¹⁰¹ Garfinkle, E. (2003). Coming of age in America: The misapplication of sex-offender registration and community-notification laws to juveniles. *California Law Review*, 163-208.

¹⁰² Association for the Treatment of Sexual Abusers. (2012). *Adolescents Who Have Engaged in Sexually Abusive Behavior: Effective Policies and Practices*. Retrieved from: <http://www.atsa.com/adolescents-engaged-in-sexually-abusive-behavior>

¹⁰³ Chaffin, M. (2008). Our Minds Are Made Up—Don't Confuse Us With the Facts: Commentary on Policies Concerning Children With Sexual Behavior Problems and Juvenile Sex Offenders. *Child Maltreatment*, 110-121.

iatrogenic effects of juvenile SORN related to the interruption of pro-social development of juveniles by disrupting positive peer relationships and activities, interfering with school and work opportunities, facilitating housing instability and homelessness, and increasing social alienation. These factors may in turn lead to an increase rather than a decrease in the juvenile's risk for recidivism."¹⁰⁴

While traveling out of state, juveniles may be required to check in with law enforcement or register altogether in the visiting state. If parents are divorced and share joint custody, the juvenile is required to register in two counties. If a juvenile moves to Colorado from another state after being adjudicated for a sex offense; they are ultimately required to register as a sex offender and cannot de-register unless granted relief through a civil court proceeding.

A subsequent sexual conviction or adjudication renders Colorado juveniles ineligible to petition off the registry and the juvenile becomes a mandatory lifetime sex offender registrant.¹⁰⁵ Indigent juveniles are not eligible for appointment of counsel in petitions for relief from the registration requirement. Discontinuation of registration hearings have been deemed "civil" proceedings notwithstanding the continued standing of criminal prosecutors and crime victims to participate and be heard in deregistration matters. Juveniles seeking relief from registration requirements must either hire a private attorney or represent themselves in these hearings. In situations involving out-of-state adjudications, the juvenile must pay for and file a civil lawsuit in order to petition for relief from the Colorado sex offender registry. Since 2011, Colorado courts have been required to automatically set a date to review the propriety of continuing the sex offender registration requirement for juvenile at the time of discharge from the juvenile sentence.¹⁰⁶ Individuals who completed their adjudication prior to the 2011 law, however, must initiate the process entirely themselves.

Although registered adjudicated juvenile cannot be listed on the public website of the Colorado Bureau of Investigation,¹⁰⁷ local law enforcement agencies must release, upon request, information regarding any registrants - including juveniles -- to any person residing within the local law enforcement agency's jurisdiction.¹⁰⁸ Law enforcement has discretion as to whether to release information to individuals who reside outside of the jurisdiction.¹⁰⁹ In addition, a local law enforcement agency may post information on the law enforcement agency's website concerning certain adults and any juvenile with multiple adjudications for unlawful sexual behavior or crimes of violence, or a juvenile who was "adjudicated for an offense that would have been a felony if committed by an adult and has failed to register."¹¹⁰ Only those individuals deemed "sexually violent predators" based upon convictions in adult court are subject to mandatory public community notification meetings.¹¹¹

Although juveniles in Colorado are not placed on the sex offender internet registration site with the Colorado Bureau of Investigation, juvenile SORN information is being placed on private websites which

¹⁰⁴ Association for the Treatment of Sexual Abusers. (2016). *Comments on The Supplemental Guidelines for Juvenile Registration Under the Sex Offender Registration and Notification Act*. Retrieved from: http://www.atsa.com/pdfs/Policy/2016.06.03_ATSA_SORNA_Supplemental_Guidelines_Letter.pdf

¹⁰⁵ Among other consequences, lifetime registration renders a person ineligible for federal housing assistance. See 42 U.S.C. § 13663.

¹⁰⁶ C.R.S. § 16-22-113.

¹⁰⁷ C.R.S. § 16-22-111.

¹⁰⁸ C.R.S. § 16-22-112(1).

¹⁰⁹ C.R.S. § 16-22-112(3).

¹¹⁰ C.R.S. § 16-22-112(2).

¹¹¹ C.R.S. § 16-22-108.

adds to labeling and stigmatization along with requirements that they may have to pay high fees to have their information removed from these sites.

If a juvenile fails to comply with Colorado's registration requirements, s/he is subject to prosecution for the crime of failure to register (FTR).¹¹² If the juvenile fails to register before turning age 18, s/he is subject to prosecution for FTR within the juvenile justice system. Adjudication for FTR requires a mandatory period of detention, and, in some cases, a mandatory period of at least one (1) year of out-of-home placement.¹¹³ If a person fails to register after age 18, s/he is subject to prosecution for FTR in adult court. If the duty to register was triggered by a juvenile adjudication for a sexual offense that would have been a felony if committed by an adult, the crime of FTR is an adult felony offense, punishable by a possible prison/parole sentence or probation. If the triggering sexual offense was a misdemeanor, the crime of FTR is an "extraordinary risk" misdemeanor and subject to punishment with up to two (2) years in a county jail or probation.¹¹⁴ In any event, a conviction for FTR often requires the court to order a psychosexual evaluation to determine whether to order sexual offense-specific treatment as part of the sentence.¹¹⁵ If ordered by the court, the individual who has failed to register is required to pay for such evaluation and treatment, subject to his/her ability to pay.¹¹⁶ Juvenile providers' negative perceptions of juvenile registration and notification requirements are robust across a variety of contexts that might otherwise be expected to influence perceptions of juvenile sex crime policy. Treatment providers, irrespective of their background or the makeup of their client base, identify significant and harmful consequences of these policies.¹¹⁷ These results join a growing chorus of voices that critique the application of adult criminal justice practices to juveniles in general¹¹⁸ and those specifically concerned with the practice of subjecting juveniles to SORN.¹¹⁹

¹¹² C.R.S. § 18-3-412.5.

¹¹³ C.R.S. § 18-3-412.5(4).

¹¹⁴ C.R.S. § 18-3-412.5.

¹¹⁵ See C.R.S. §§ 16-11-102, 16-11.7-102, 16-11.7-104, and 16-11.7-105.

¹¹⁶ See C.R.S. §§ 16-11.7-104 and 16-11.7-105.

¹¹⁷ Harris, A. J., Walfield, S. M., Shields, R. T., & Letourneau, E. J. (2016). Collateral consequences of juvenile sex offender registration and notification: Results from a survey of treatment providers. *Sexual Abuse, 28*(8), 770-790.

¹¹⁸ Cohen, A. O., & Casey, B. J. (2014). Rewiring juvenile justice: The intersection of developmental neuroscience and legal policy. *Trends in Cognitive Science, 18*, 63-65; Kupchik, A. (2006). *Judging juveniles: Prosecuting adolescents in adult and juvenile courts*. New York, NY: New York University Press; Myers, D. L. (2005). *Boys among men: Trying and sentencing juveniles as adults*. Westport, CT: Praeger.

¹¹⁹ Association for the Treatment of Sexual Abusers. (2012). *Adolescents Who Have Engaged in Sexually Abusive Behavior: Effective Policies and Practices*. Retrieved from: <http://www.atsa.com/adolescents-engaged-in-sexually-abusive-behavior>; Chaffin, M. (2008). Our Minds Are Made Up—Don't Confuse Us With the Facts: Commentary on Policies Concerning Children With Sexual Behavior Problems and Juvenile Sex Offenders. *Child Maltreatment, 110-121*; DiCataldo, F. C. (2009). *The perversion of youth: Controversies in the assessment and treatment of juvenile sex offenders*. New York, NY: New York University Press; Geer, P. (2008). Justice served? The high cost of juvenile sex offender registration. *Developments in Mental Health Law, 27*, 33-52; Harris, A. J., Walfield, S. M., Shields, R. T., & Letourneau, E. J. (2016). Collateral consequences of juvenile sex offender registration and notification: Results from a survey of treatment providers. *Sexual Abuse, 28*(8), 770-790; Human Rights Watch. (2013). *Raised on the Registry: The Irreparable Harm of Placing Children on Sex Offender Registries in the US*. Retrieved from: https://www.hrw.org/sites/default/files/reports/us0513_ForUpload_1.pdf; Markman, J. S. (2007). Community notification and the perils of mandatory juvenile sex offender registration: The dangers faced by children and their families. *Seton Hall Legislative Journal, 32*, 261-283; Miner, M., Borduin, C., Prescott, D., Bovensmann, H., Schepker, R., Du Bois, R., & Pfafflin, F. (2006). Standards of care for juvenile sex offenders of the International Association for the Treatment of Sex Offenders. *Sexual*

CONCLUSION

The topic of SORN is often an emotion-laden one with concerns expressed on both sides of the issue. It is important to note that the issue arises as the result of a crime being committed and an individual being victimized. Whether in support or opposition to juvenile SORN, it is clear that professionals on both sides see the gravity of the issue and the impacts to juveniles, the community, and to victims. The aim of this paper has been to frame the issues and provide relevant information needed to make an informed decision with an end goal of an enhanced system for all. Based on the information reviewed, a committee of experts representing various disciplines of the juvenile justice system contends that modifications to the current system should be considered.

RECOMMENDATIONS

The recommendations made are intended to promote an improved system that will aid in the reduction of risk for juveniles, aid in the enhancement of protective factors, and maintain the oversight sought by supporters of juvenile registration. The committee makes the following recommendations:

- 1) Make juvenile registry a law enforcement only tool that is non-public (do not include juveniles on the lists provided by law enforcement)
 - a. Juveniles should not be on local law enforcement or CBI website
 - b. There should be parameters in place for how schools obtain and share registration information¹²⁰
- 2) For those who are eligible, a hearing for discontinuation from the registry will automatically be set at the time of successful completion from supervision. All notifications including those required by the Victim Rights Amendment must be made with time allowed for responses prior to vacating the hearing. This hearing can be vacated if there are no objections.
- 3) Change the threshold for release from registration - instead of "more likely than not," release from registry should be contingent on being found to be low risk to commit a sex offense as evidenced by clinical indicators¹²¹.
- 4) Improve sentencing procedures to increase the information provided and expand judicial discretion concerning registration
 - a. Develop criteria that an evaluator can use to make a recommendation for no registration.

Offender Treatment, 1, 1-6; Parker, S. C. (2014). Branded for life: The unconstitutionality of mandatory and lifetime juvenile sex offender registration and notification. *Virginia Journal of Social Policy & the Law*, 21, 167-205; Zimring, F. E. (2004). *An American travesty: Legal responses to adolescent sexual offending*. Chicago, IL: The University of Chicago Press.

¹²⁰ § 22-33-106.5, C.R.S. - Requires mandatory notification by the courts to school districts upon adjudication or conviction of offenders below the age of 18 for "unlawful sexual behavior" as defined by § 16-22-102(9), C.R.S.

¹²¹ Clinical indicators can be anything that provides information about a client's overall clinical presentation, which may include but is not limited to interviews, quality of treatment participation, polygraph examination results, scores on dynamic risk assessments, psychological evaluation, behavioral observation, and collateral reports.

- b. Do not require registration under age 14
 - c. Expand the list of crimes that allow for a judge to waive registration. Expand court discretion not to require registration for:
 - i. all juvenile sex crimes / factual basis
 - ii. all juveniles except those whose offense of adjudication meets the Adam Walsh Act elemental requirements (a few versions of felonies in CO) - *i.e.*, court has discretion *except* where the crime “involved an attempt, conspiracy, or commission of a crime by a juvenile who was fourteen years of age or older on the date of the offense and the crime involved (a) sexual penetration, as defined in section 18-3-401(6), or sexual intrusion, as defined in section 18-3-401(5); and (b) commission of the sexual act with another was by force, by a threat of serious violence, by rendering the victim unconscious, or by involuntarily drugging the victim.” (all juvenile misdemeanor sex crimes / factual basis)
 - iii. the current juvenile misdemeanor sex crimes where court has discretion but strike the “first petition” and/or “first offense” language in 16-22-103(5)(a)(III)(“as charged in the first petition filed with the court, is a first offense of either..”)
- 5) Eliminate mandatory lifetime registration (ineligible to ever petition) provisions for juveniles in 16-22-113(3) (c) based upon 2 adjudications [in *People v. Atencio*, 219 P.3d 1080 (Colo. Ct. App. 2009), COA said for adults that 2 convictions w/i same case triggers this provision; there is no case law interpreting this provision for juveniles].
 - a. Eliminate mandatory lifetime registration in 16-22-103(4) as well: “[A] person [who has received a juvenile adjudication / deferred] may petition the court for an order to discontinue the duty to register.... only if the person has not *subsequently* received a disposition for, been adjudicated a juvenile delinquent for, or been otherwise convicted of any offense involving unlawful sexual behavior.” (emphasis added).
 - b. Because of brain development and *Roper/Miller/Graham/Montgomery*, lifetime registration should be eliminated for juvenile prosecuted in adult court too and subject to the other provisions of 16-22-113(3).
 - 6) Eliminate requirement (with potential impact on college students) that juveniles who have already been relieved of the duty to register (or never required to register) in another jurisdiction must resume/commence registration in Colorado and then file a new civil lawsuit to discontinue registration in Colorado (16-22-103(3))
 - 7) Consider allowing a juvenile access to court-appointed counsel for relief from registration. If prosecution and victims are involved in the petition for relief from registration and this petition is considered a “critical stage,” juveniles should have access to court-appointed counsel as it is also a “critical stage” for Sixth Amendment purposes.
 - 8) Modify the Failure to Register statute, 18-3-412.5, so that FTR based upon adjudication for a felony sex crime is no longer a felony after age 18 or subject to mandatory confinement when charged as an adjudication. *Redirect cost savings from imprisonment to prevention and victim services.*

Sex Offender Management Board and Committee Approve and Not Approve Votes 2014 - 2018

Overview

In order to better assess the effectiveness of the Sex Offender Management Board (SOMB) policy and decision making process, data regarding approved and failed motions was collected. Data was gathered on SOMB meetings, as well as for the SOMB Adult Standards Revision Sub-Committee (no information was comparable for the Juvenile Standards Revision Committee because this committee does not have voting members; all decisions are made unanimously). The purpose of this review was to analyze successful and defeated motions to learn more about the decision making process. The analysis is broken into two parts: SOMB Board votes and SOMB sub-committee votes.

- 94% of motions taken up by the SOMB passed (n=120, N=128) after committee and Board discussion
- 85% of motions taken up by the SOMB Adult Standards Revisions Sub-Committee passed (n=34, N=40) after committee discussion
- The majority of the SOMB votes uniformly
- 25% of approval votes are cast by Supervision Representatives

SOMB Votes

Prior to voting on a proposed motion, several levels of discussion and potential revision are conducted. Some issues are first reviewed by committees before being presented to the SOMB. During the committee process, the committee reviews relevant research and standards, and has a thorough discussion on the topic. The recommendation of the committee is then presented to the SOMB, which has additional discussion, and may make additional revisions, prior to voting on a particular issue. If there is no committee involvement, the SOMB will directly review relevant information and have thorough discussion prior to calling a vote. Additionally, motions up for vote are only made in the affirmative, meaning that there has to be some level of support prior to a vote being made. A motion cannot be made to abstain from implementing a change.

Since the SOMB votes on a variety of different motions, the review was separated into different categories. Motion categories include Administrative (bylaws, guiding principles, administrative policies, etc.), Application Review Committee appeals, Treatment and Supervision Standards Revisions, and Standards Variance Requests. In sum, the majority of the motions from 2014 to 2018, were approved (n = 136, 94%) after SOMB discussion. The breakdown of these votes by category is presented in Table 1. Across all SOMB votes (N=145), an average of 88% of the SOMB members voted to approve a proposed motion. Of the approved motions, there was an average of 92% support for the motion after Board discussion. Of the defeated motions, there was an average of 65% opposition for the motion. Votes were typically split 88% majority to 10% minority, with a 2% abstention rate (includes both approved

and failed motions). There were six votes with a margin of 10% or less, indicating that out of 145 motions, only 4% (n=6) did not have a majority of more than 10%.

Table 1. SOMB Vote by Category

Board Votes	Administrative		ARC Appeals		Standards Revisions		Variance Requests		TOTAL	
	n = 69	100%	n = 5	100%	n = 52	100%	n = 19	100%	N = 145	%
Approve	64	93%	4	80%	50	98%	18	95%	136	94%
Oppose	5	7%	1	20%	2	2%	1	5%	9	6%

Table 2 depicts the frequency of votes opposing a motion by approving the motion, per SOMB member (n=38). In other words, each SOMB member is represented by a plot on the graph which is determined by the number of approve votes (x-axis) by the number of opposing votes (y-axis), cast by each SOMB member. The average number of approve votes per SOMB member is 53. Six SOMB members had fewer than 10 approve votes and the highest number of approve votes was 105. The average number of oppose votes per SOMB member was six. One SOMB member had no oppose votes and the highest number of oppose votes was 22. It should be noted that SOMB members have served for different lengths of time, resulting in fewer votes cast overall. Additionally, this graph does not account for absences or abstentions as they are outside of the scope of this specific analysis.

Table 2. SOMB Vote Approval Distribution: Full Board

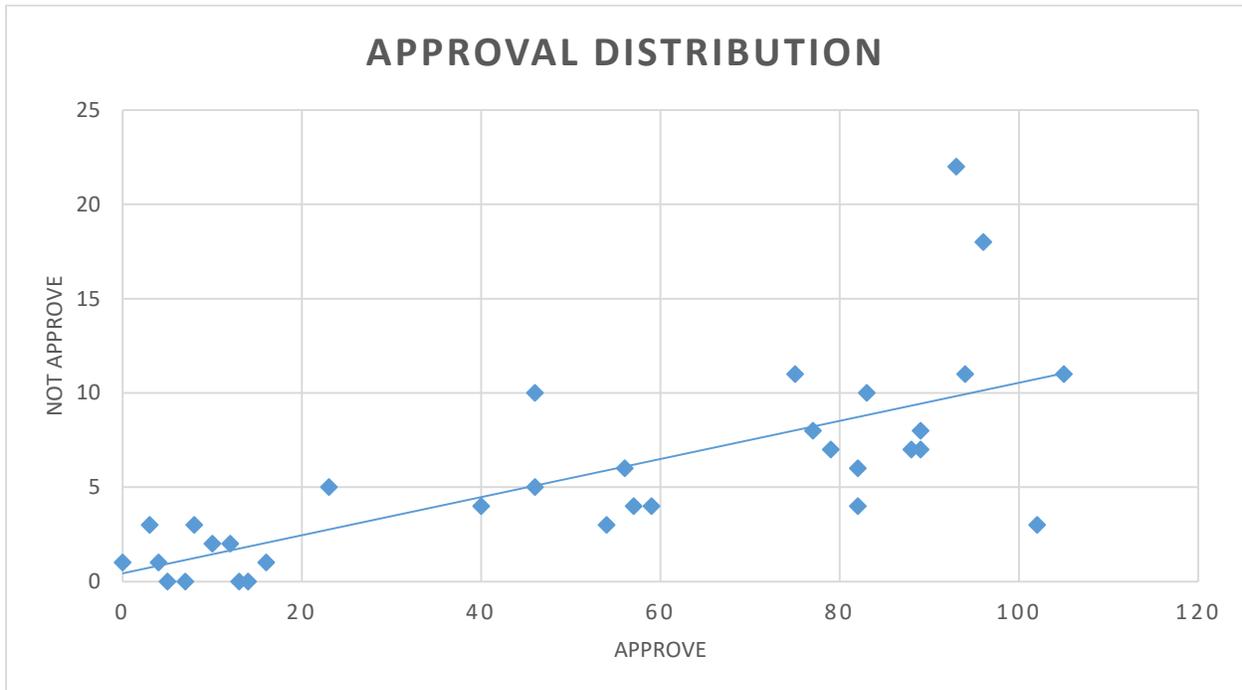
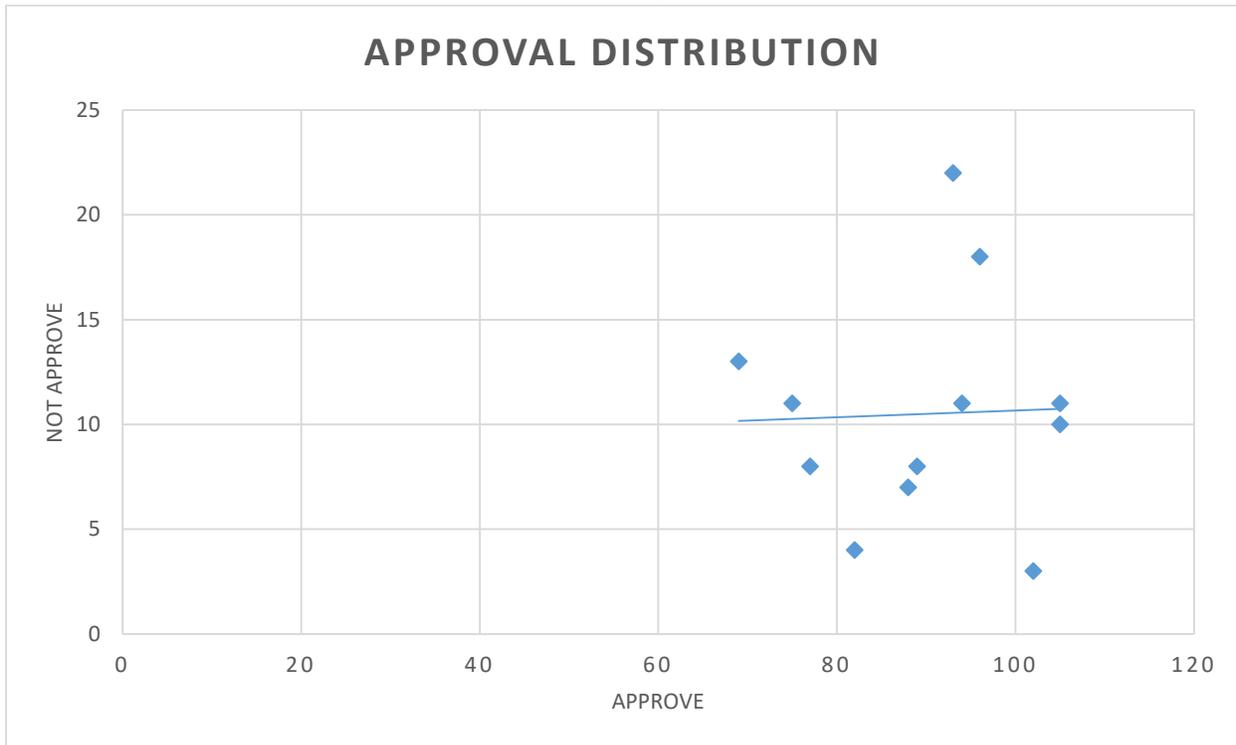


Table 3 depicts the frequency of votes opposing a motion by approving the motion per SOMB member who served from 2014 to 2018 (n=12). In other words, each SOMB member represents a plot on the graph which is determined by the number of approve votes (x-axis) by the number of oppose votes (y-axis), cast by each SOMB member. The graph indicates that majority of the votes were in favor of approving the motion with few opposing votes. This graph does not account for absences or abstentions as they are outside of the scope of this specific analysis.

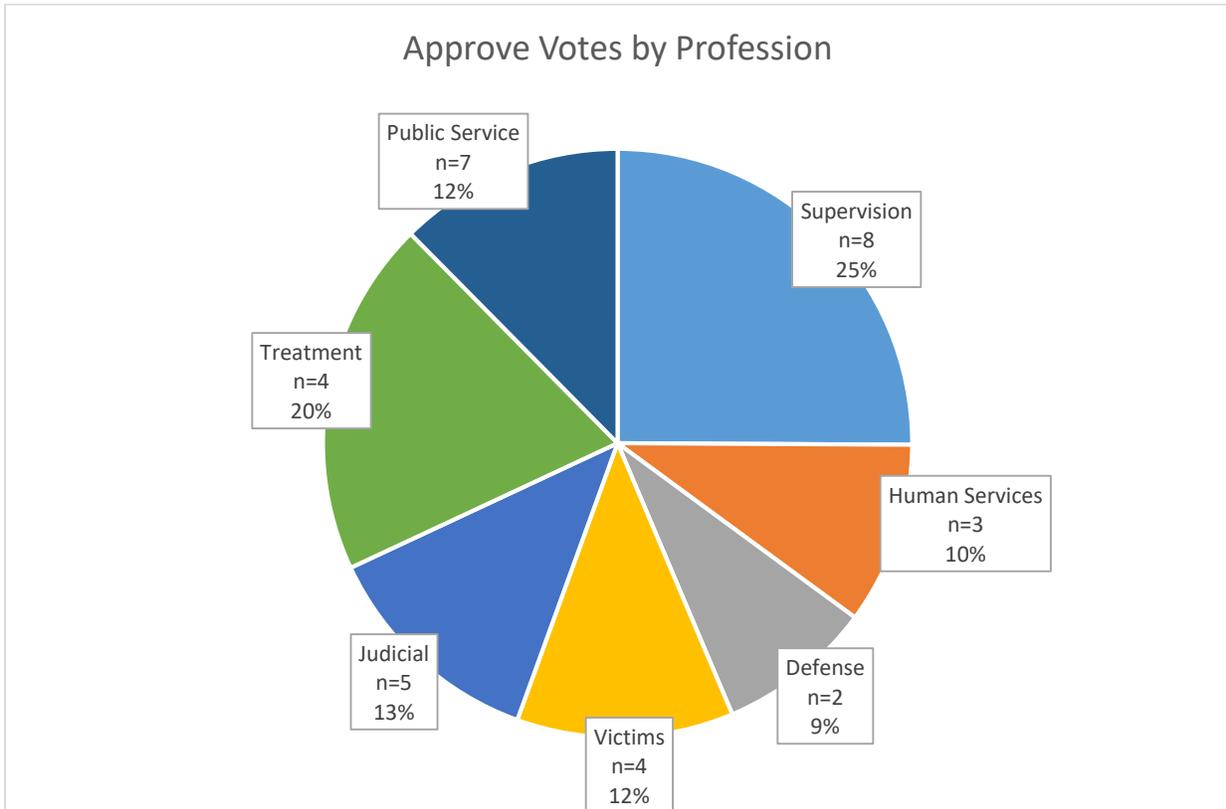
Table 3. SOMB Vote Approval Distribution: Long Term Members



While the majority of the SOMB appears to vote uniformly on various decision items, there are some outliers whose vote is in the minority. Table 4 depicts the approve votes by agency representative. A total of 38 SOMB members were included in this analysis resulting in a total of 2276 approve votes. Representatives were categorized as Government Agency, Supervision, Human Services, Defense Attorneys, Victims Representatives, Judicial Officers, and Treatment Providers. 25% of approve votes were cast by SOMB members working in the Supervision professions. The fewest approve votes were cast by the Defense Attorney Representatives (n=2, 9%). To better understand where the opposition lies, Table 5 depicts oppose votes by representative. There were a total of 38 SOMB members included in this analysis resulting in a total of 289 “not approve” votes between 2014 and 2018. The majority of the representatives accounted for 15-18% of all oppose votes each, however the number of

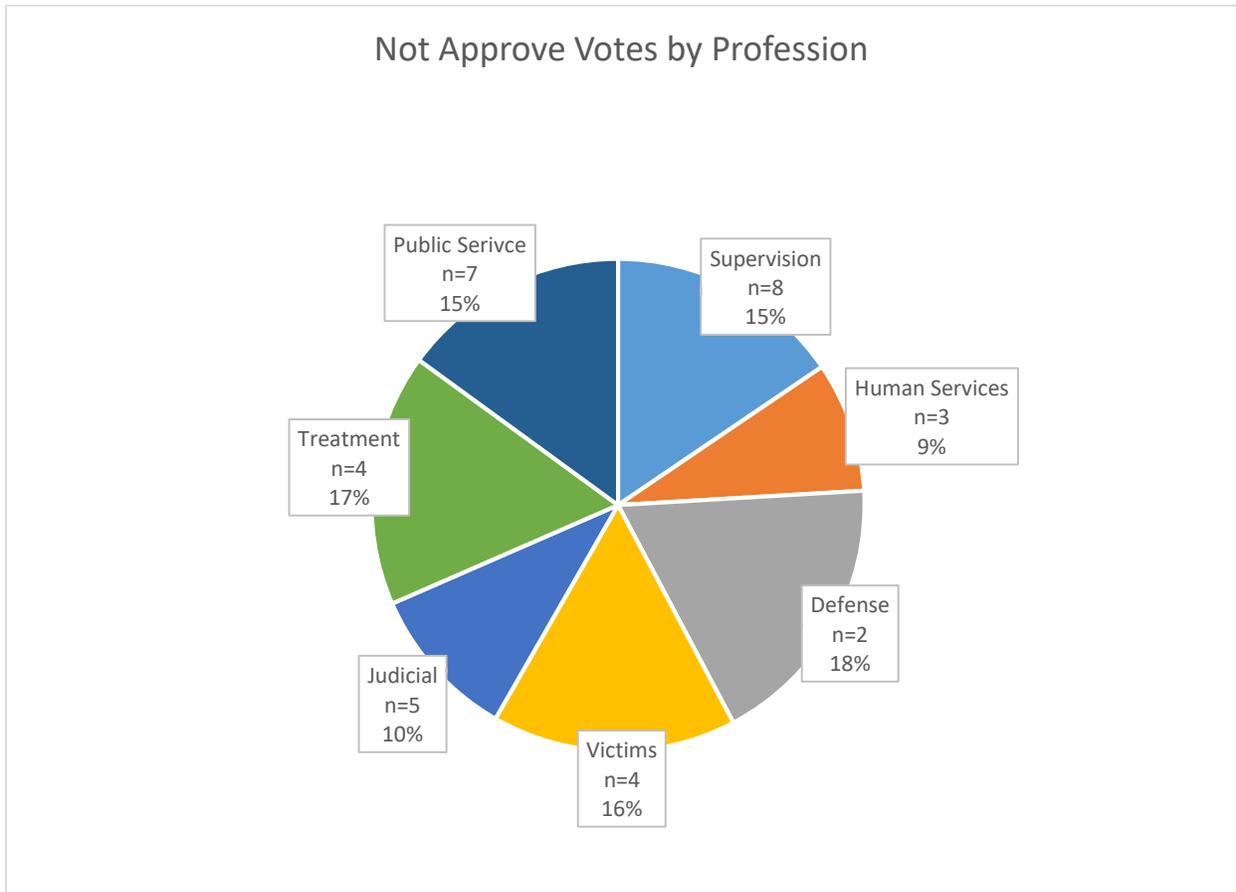
SOMB members in each group varied. Although Defense Attorney Representatives included only two SOMB members (n=2, 5%), they accounted for 18% of all oppose votes. Victim Representatives accounted for 16% of all oppose votes, although there were twice as many SOMB members (n=4, 11%) in this category.

Table 4. Approve Votes by Profession



*Please note, categories include current and former SOMB members and may not represent the current SOMB members.

Table 5. Not Approve Votes by Profession



**Please note, categories include current and former SOMB members and may not represent the current SOMB members. The number of members may be higher or lower based on SOMB member turnover.

SOMB Sub-Committee Votes

The SOMB Adult Standards Revision Sub-Committee drafts new Standards at the direction of the SOMB. The SOMB Adult Standards Revision Sub-Committee has 10 appointed voting members representing different disciplines who vote on the new Standards language that will be presented to the SOMB. Table 6 shows the vote outcomes for the SOMB Adult Standards Revision Sub-Committee. There was no comparable available data for the SOMB Juvenile Standards Revision Sub-Committee because this committee does not have voting members and operates exclusively on unanimous agreement.

Table 6. SOMB Adult Standards Revision Sub-Committee Votes

Committee Votes	Adult Standards Revisions Committee		Juvenile Standards Revisions Committee**	
	n = 40	100%	n = 0	-
Approve	34	85%	-	-
Oppose	6	15%	-	-

**No information was comparable for the Juvenile Standards Revision Committee because this committee does not have voting members; all decisions are made unanimously

Summary

As stated above, prior to voting on a proposed motion, several levels of discussion and potential revision are conducted. Some issues are first reviewed by committees before being presented to the SOMB. During the committee process, the committee reviews relevant research and standards, and has a thorough discussion on the topic. The recommendation of the committee is then presented to the SOMB, which has additional discussion, and may make additional revisions, prior to voting on a particular issue. If there is no committee involvement, the SOMB will directly review relevant information and have thorough discussion prior to calling a vote.

Overall, a majority (94%) of the motions taken up by the SOMB were approved. Few SOMB members consistently vote in opposition. Since 2014, most votes were regarding Administrative issues (n=69) and 93% of these were approved by the SOMB. On average, 88% of the SOMB voted in support of proposed motions. Of passed motions, 92% of the SOMB voted in support. Of defeated motions, 65% of the SOMB voted in opposition.

Of the total 52 Standards Revisions motions, all but two motion (98%) passed the SOMB vote. 25% of all “approve” votes were cast by SOMB members working in the Supervision professions. In congruence with full SOMB votes, the SOMB Adult Standards Sub-Revisions committee approved majority of the items presented (85%).

In sum, the SOMB votes in unison after thorough discussion at both committee and board levels. Conflict is typically resolved during these discussion, resulting in agreement when voting. The representatives who vote in opposition most commonly represent specific special interest groups.