

# Sex Offender Management Board (SOMB) / Department of Corrections (DOC) Treatment Solutions Work Group Report

Presented to the Joint Judiciary on February 21, 2024



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## Presented By:

- Kimberly Kline, Chief of Behavioral Health, Colorado Department of Corrections. SOMB representative to the Work Group and Work Group Chair.
- Chris Lobanov-Rostovsky, Program Manager, Office of Domestic Violence and Sex Offender Management, Colorado Division of Criminal Justice. Staff member to the Work Group.
- Lauren Rivas, Executive Director, Teaching Humane Existence. Community sex offender treatment provider representative to the Work Group.



# Colorado Sex Offender Lifetime Supervision Act (18-1.3-1001-1011 C.R.S.)

- “The general assembly hereby finds that the majority of persons who commit sex offenses, if incarcerated or supervised without treatment, will continue to present a danger to the public when released from incarceration and supervision. The general assembly also finds that keeping all sex offenders in lifetime incarceration imposes an unacceptably high cost in both state dollars and loss of human potential. The general assembly further finds that some sex offenders respond well to treatment and can function as safe, responsible, and contributing members of society, so long as they receive treatment and supervision. The general assembly therefore declares that a program under which sex offenders may receive treatment and supervision for the rest of their lives, if necessary, is necessary for the safety, health, and welfare of the state.”



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# Colorado Sex Offender Lifetime Supervision Act

- “On completion of the minimum period of incarceration specified in a sex offender’s indeterminate sentence, less any earned time credited to the sex offender pursuant to section 17-22.5-405, C.R.S., the parole board shall schedule a hearing to determine whether the sex offender may be released on parole. In determining whether to release the sex offender on parole, the parole board shall determine whether the sex offender has successfully progressed in treatment and would not pose an undue threat to the community if released under appropriate treatment and monitoring requirements and whether there is a strong and reasonable probability that the person will not thereafter violate the law. The department shall make recommendations to the parole board concerning whether the sex offender should be released on parole and the level of treatment and monitoring that should be imposed as a condition of parole. The recommendation shall be based on the criteria established by the management board pursuant to section 18-1.3-1009.”



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# SOMB Sunset Bill (SB 23-164)

- “...form a sub-committee with representatives from the Board, community sex offender treatment providers, the Department of Corrections, the Division of Adult Parole in the Department of Corrections, and the State Parole Board created pursuant to Section 17-2-201. The purpose of the subcommittee is to develop solutions to address treatment resources for sex offenders who are incarcerated or in the custody of the Department of Corrections, including a legal and evidence-based analysis of inmates who are required to progress in treatment in the Department of Corrections prior to any release pursuant to section 18-1.3-1006 and those who are classified by the Department of Corrections as an inmate who is required to participate in treatment.”



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# Sex Offender Management Board

- Created by the Colorado State Legislature in 1992 (2<sup>nd</sup> such Board created)
- Identified as a Model Program by U.S. Department of Justice in 2008, and by other national researchers and scholars
- Most states have a Board, Policy Group, or Task Force
  - Boards in California, Hawaii, Utah, Washington, Tennessee, Illinois, Idaho, and Texas among others
  - Many have modeled after, or are seeking to model after, Colorado, and we receive frequent outreach for support and assistance



# Sex Offender Management Board Statutory Duties

- Standards of practice for both adults and juveniles
- Approve and oversee all providers
- Collaborate on development of SVP risk assessment instrument
- Evaluate policies and practices through original research and review of international literature
- Collaborate on Lifetime Supervision treatment progress criteria
- Develop resources/educational materials (e.g., schools, housing, etc.). Also developed resource documents for offender supports, victims, and children with PSB.



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# Sex Offender Management Board Results

- Successfully manage 471 approved providers in the state, through applications, compliance reviews, complaints, and data collection, including having providers in all Colorado counties
- Providers have fully implemented the Risk, Need, Responsivity (RNR) model and are individualizing treatment
- Sexual offense recidivism rate of 1.7% (down 1% from the prior year), and general recidivism rate of 5.5% in 2023
- 52% of clients successfully completed treatment in 2023 and this number is increasing each year
- Thanks for the providers, supervision officers, victim advocates, and attorneys for all their hard work. All due credit goes to them.



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# SOMB/DOC Treatment Solutions Work Group

- Kimberly Kline, Chief of Behavioral Health, Colorado Department of Corrections. SOMB representative to the Work Group and Work Group Chair.
- Amanda Retting, Program Administrator, Sex Offender Treatment and Monitoring Program (SOTMP), Colorado Department of Corrections. DOC representative to the Work Group.
- Megan Zimmerman, Community Parole Manager, Division of Adult Parole, Department of Corrections. Division of Adult Parole Representative to the Work Group.
- Michelle Geng, Board Member, Colorado State Board of Parole. State Parole Board representative to the Work Group.
- Lauren Rivas, Executive Director, Teaching Humane Existence. Community sex offender treatment provider representative to the Work Group.



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# Meeting Dates

- August 30, 2023
- September 6, 2023
- September 20, 2023
- October 18, 2023
- November 15, 2023



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# Public Testimony

- September 6, 2023 meeting was for public testimony
  - In person
  - Virtual
  - Written
- Public comment period was also provided at the end of each meeting



# DOC Required Data Collection and Additional Data Collected



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# Research Questions

## Questions based on Legislature Request in Senate Bill 23-164:

- 1) Identify inmates who are eligible to receive treatment;
- 2) Among them, identify inmates who are past parole eligibility date (PED) and have not been provided a treatment opportunity;
- 3) Identify all barriers DOC faces in providing timely access to treatment;
- 4) Identify which, if any, Standards and Statutes are barriers to providing timely access to treatment and make recommendations;
- 5) Review DOC policies and administrative regulations to prevent unnecessary backlog.

## Additional Research Question from the Work Group:

- 6) Identify probation revocation and DOC Code of Penal Discipline (COPD) history for inmates who are in need of treatment.



# Datasets

1. The DOC provided seven required data points as requested from the Legislature by July 31, 2023.
2. State Judicial provided data on all probationers who have a sexual offense conviction (indeterminate and determinate sentences) and have been subject to a revocation resulting in a sentence to the DOC. Data was linked to the previously received DOC data for all inmates on the Global Referral List (GRL).
3. Information pulled from DOCNET, CWISE and eOMIS for the 136 inmates who are on the GRL and past Parole Eligibility Date (PED) as of 7/31/2023



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# Global Referral List

## Sentencing Type by SXO Level Qualifier

Sentencing Type	SXO Level Qualifier			Total
	5ARMs*	5P**-Pending	5R-Ready	
Indeterminate	2 (2)	36 (9)	223 (33)	261 (44)
Determinate	0	4	353 (38)	357 (38)
Total	2 (2)	40 (9)	576 (71)	618 (82)

\*ARMs: Advanced Risk Management. Offenders who have returned to DOC after successfully completing SOTMP;

\*\* 5P: client already had an opportunity at treatment but treatment was terminated.

**RED:** Inmates with Probation Revocations.



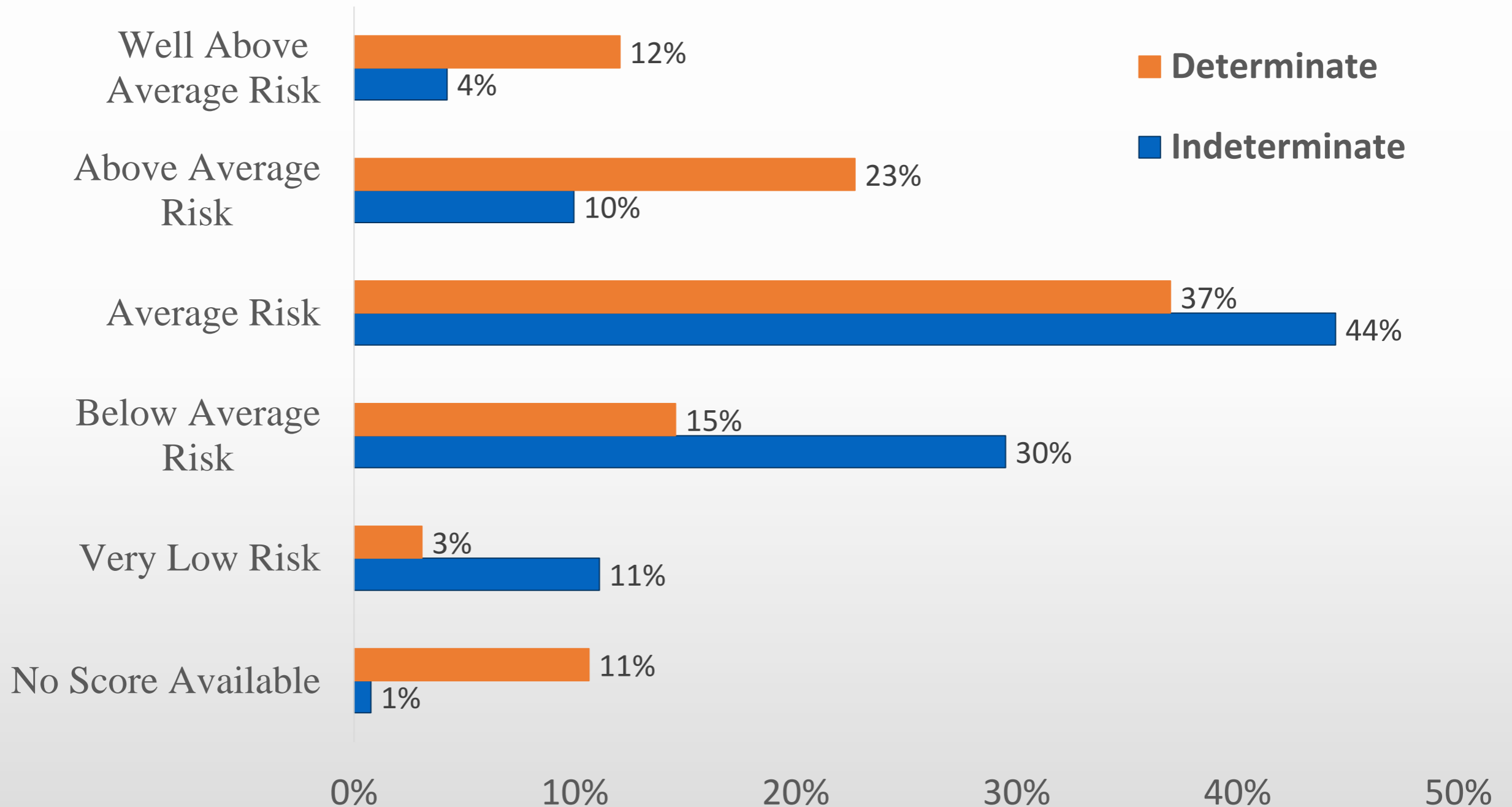
# Probation Revocation by PED for Treatment Eligible Inmates on Indeterminate Sentences (5R)

	Frequency	Percent
0-1 Years	34	16%
1-2 Years	22	10.3%
2-4 Years	25	11.7%
past 0-1 Years	38	17.8%
past 1-2 Years	49	23%
past 2-4 Years	36	16.9%
past 4+ Years	9	4.2%
Total	213	100%

30 (23%) of the 132 past PED had probation revocations .

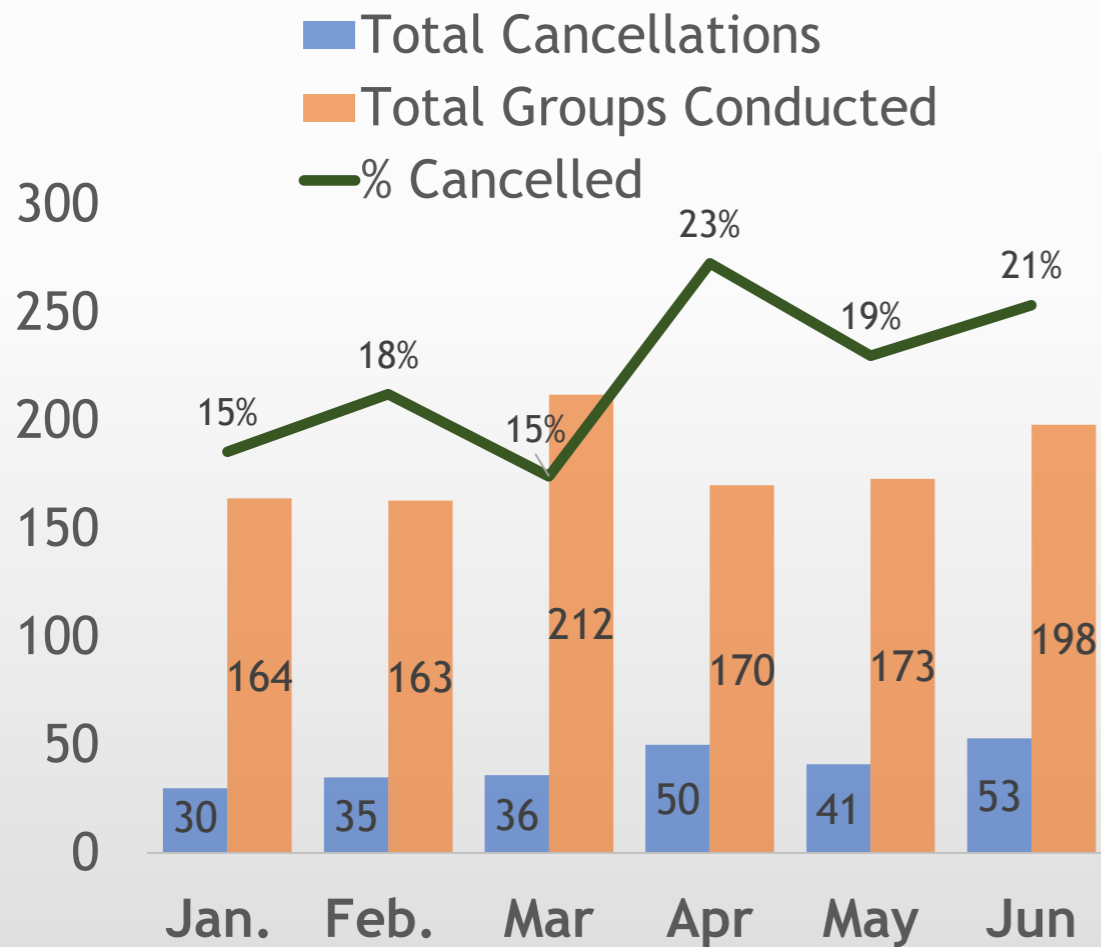


# Determinate/Indeterminate by Static 99R Risk Level

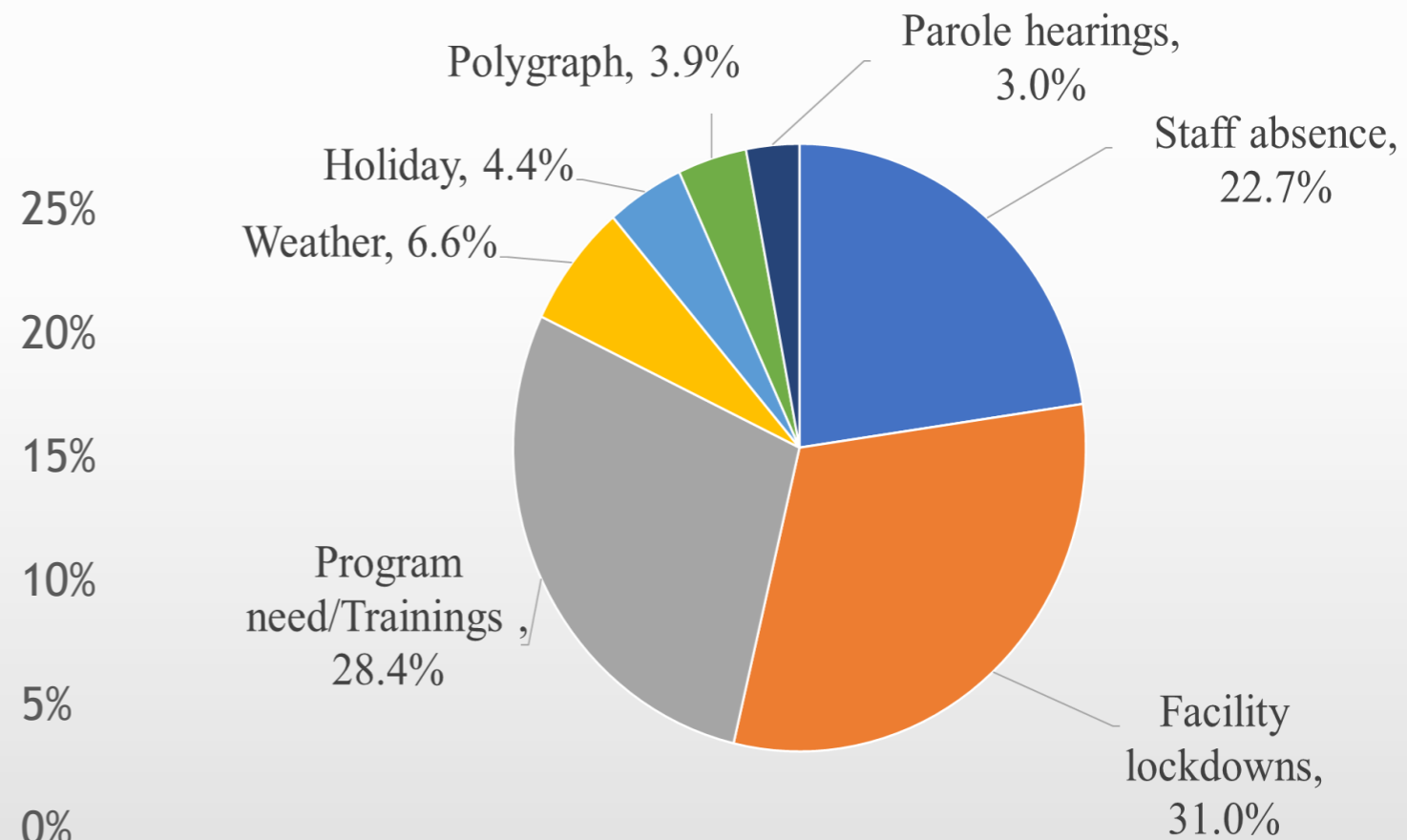


# SOTMP Groups Conducted & Cancelled in 1st Half of 2023 and Reasons for Cancellations

**Groups Conducted, Cancelled and % Cancelled**



**Reasons for Cancellations**

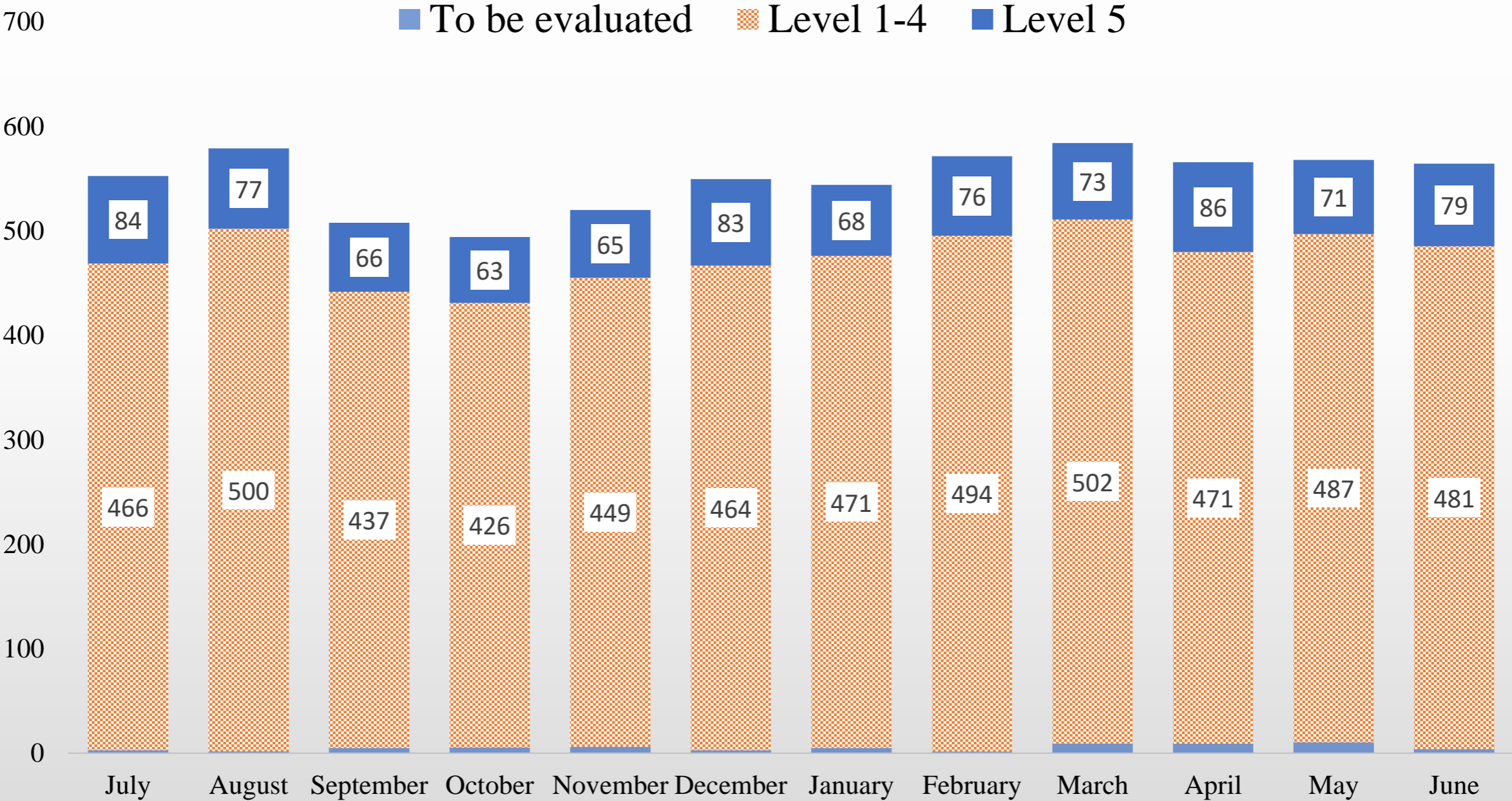


# Staff Filled/Vacated by Positions

Classification	Working Title	Vacant Positions	Current Filled Positions	% Filled	Average Year in Current Position
ADMINISTRATIVE ASSISTANT III	ADMINISTRATIVE ASSISTANT	1	2	67%	3.3
HEALTH PROFESSIONAL I	MENTAL HEALTH PROFESSIONAL		1	100%	0.2
HEALTH PROFESSIONAL II	SEX OFFENDER THERAPIST	11	7	39%	6.9
HEALTH PROFESSIONAL IV	SOTMP QUALITY ASSURANCE COORDINATOR/SOTMP TRAINER		2	100%	15.6
HEALTH PROFESSIONAL VI	SOTMP PROGRAM ADMINISTRATOR		1	100%	6.7
PSYCHOLOGIST CANDIDATE	SEX OFFENDER THERAPIST	1	1	50%	0.7
PSYCHOLOGIST I	PSYCHOLOGIST	1	1	50%	5
SOCIAL WORKER/COUNSELOR I	SEX OFFENDER (FAMILY) THERAPIST/COMMUNITY LIAISON	2		0%	
SOCIAL WORKER/COUNSELOR III	SEX OFFENDER FAMILY THERAPIST	15	8	35%	5.6
SOCIAL WORKER/COUNSELOR IV	SOTMP MENTAL HEALTH COORDINATOR	1	5	83%	6.8
<b>Total</b>		<b>32</b>	<b>28</b>		

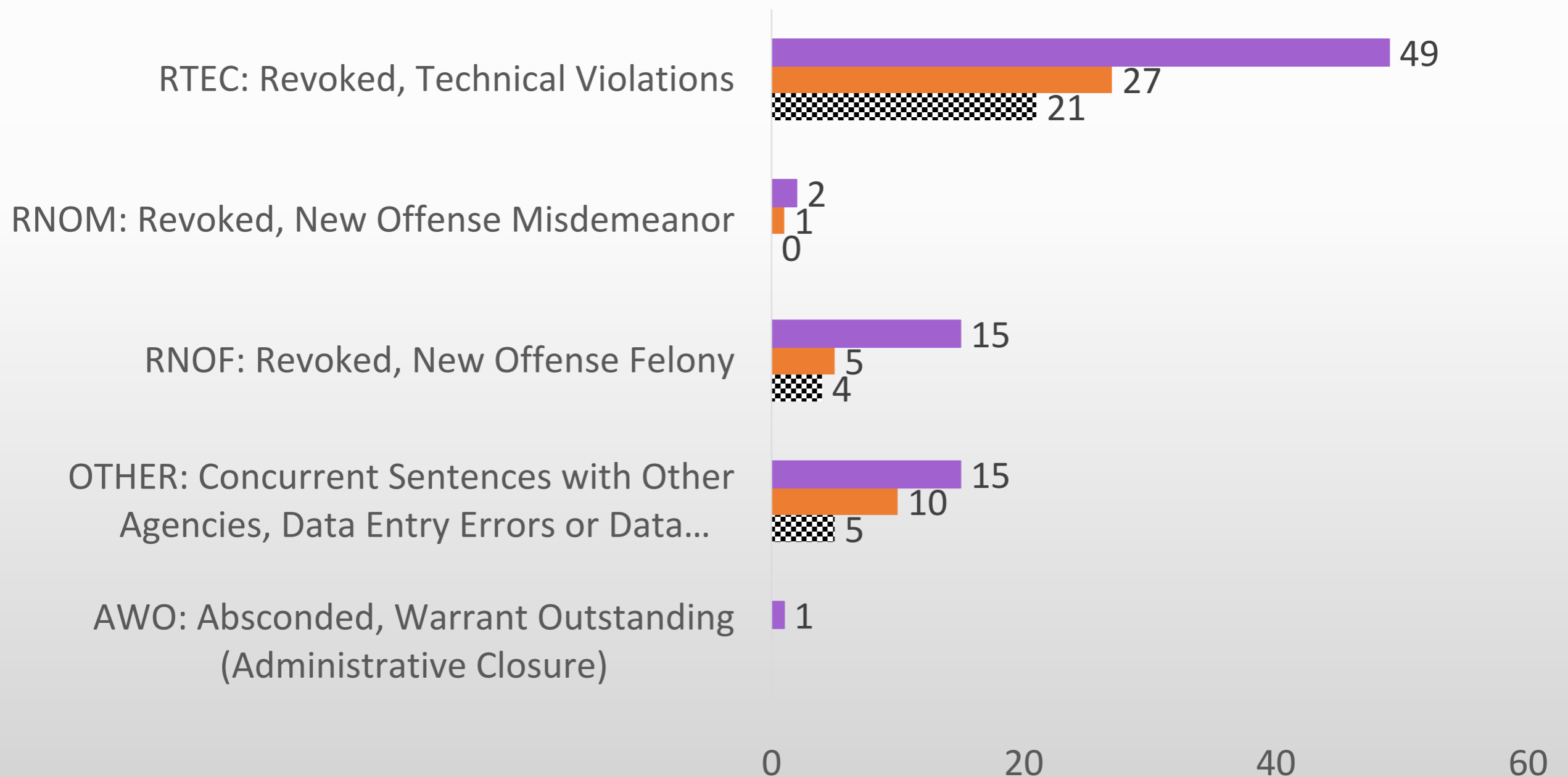


# Monthly Sex Offender Admissions by SXO Levels in FY 2023

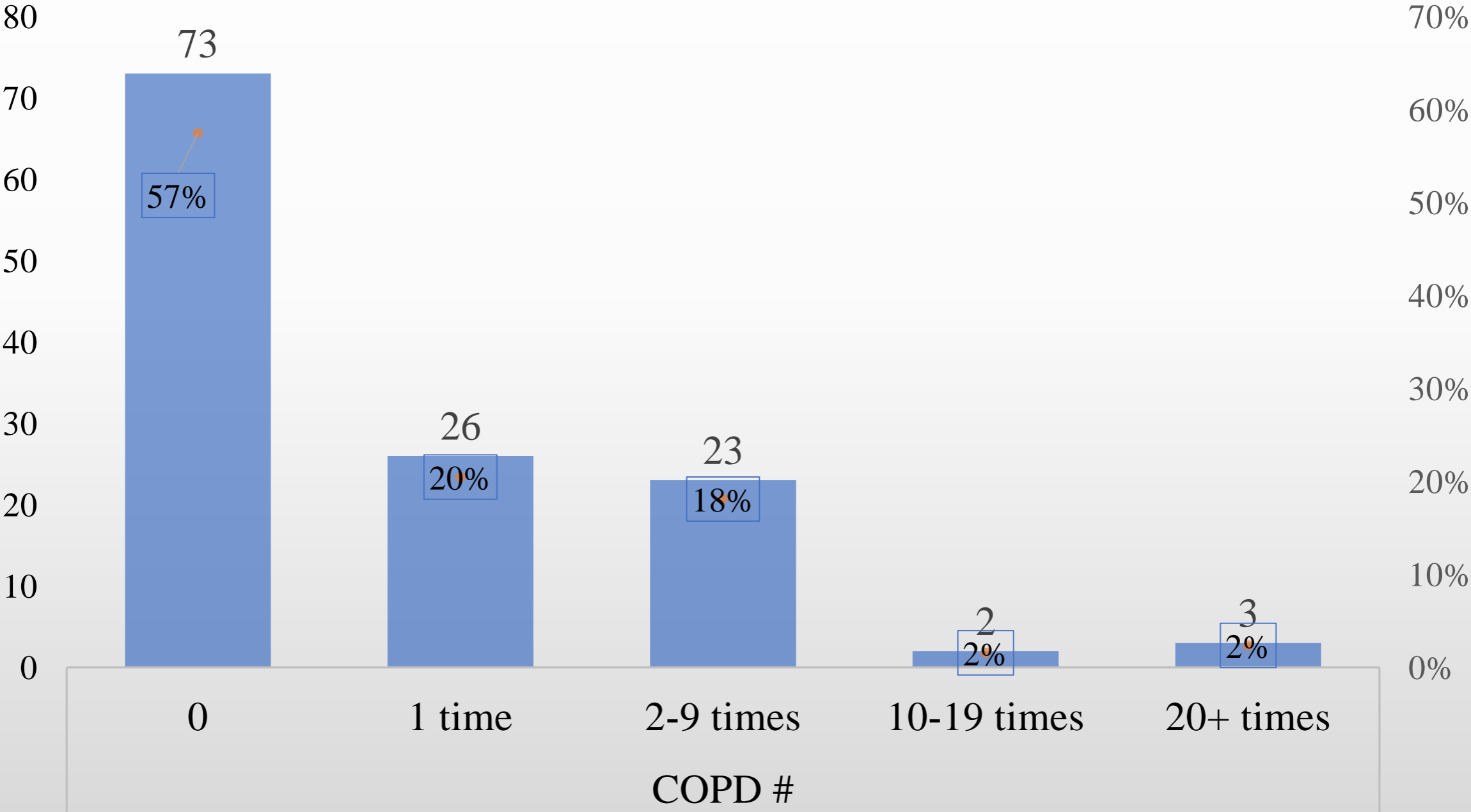


# Probation Termination Types with Additional Data from Judicial

- Inmates with Probation Revocation (n=82)
- Inmates with Indeterminate Sentence (n=44)
- ▣ Inmates with Indeterminate Sentence Past PED, 5R (n=30)



# Counts of Institutional Rule Infractions (#COPD) for Indeterminate Inmates who are Past their PED



# Data Collection Summary and Conclusion

- The DOC does appear to lack sufficient treatment resources.
- Possible reasons:
  - Volume of admissions
  - Inability to fill staffing positions
  - High level of need (i.e., COPDs and appeal status)
- Many inmates have had prior opportunities to participate in treatment either in the community, while in prison, or both. However, this information may not be available to SOTMP staff.
- The DOC, the Parole Board, and State Judicial databases should have consistent client identifiers.



# Treatment Solution Options

- **SOMB Standards Considerations**
  - Reviewed 3.600 (Treatment in DOC) and 4.000 (Provider Qualifications)
  - Revision in process regarding discharge status and continuity of care
  - No changes recommended to Provider Qualifications
  - Importance of ongoing training and technical assistance for community providers and Parole Board





# Treatment Solution Options

- SOTMP Treatment Tracks/Curriculum/ARs Considerations
  - SOTMP has revised treatment tracks, curriculum, and ARs
  - Goal to streamline and make more efficient by moving lower risk clients more quickly through treatment
  - Consideration of prior treatment for those who received treatment in the community prior to DOC
  - Need for evaluations including both static and dynamic risk
  - Time will be needed to evaluate changes for impact



# Treatment Solution Options

- Use of Outside Providers Considerations
  - In-person or telehealth options explored
  - Staffing limitations impact ability to manage outside treatment
  - Security and mental health concerns for clients
  - Technology limitations for telehealth
  - Limited community resources and may be resistance to DOC approval and curriculum requirements



# Treatment Solution Options

- Use of Peer Mentors to Support Treatment Considerations
  - DOC currently utilizes peer mentors to support treatment
  - Cannot be used to provide treatment due to DORA limitations



# Treatment Solution Options

- Increasing DOC Staff Resources Considerations
  - DOC has significant staffing challenges
  - Active recruitment campaign has been ongoing
  - Changes to SOMB Provider Qualifications has allowed new hires to begin to practice more quickly
  - Challenging to find staff willing to work at DOC, with high risk clients, and in areas where prisons are located
  - SOMB is working on a provider recruitment and retention project that can collaborate with DOC



# Treatment Solution Options

- Parole Board Decision Making Considerations
  - Need for treatment information
  - Educate about risks and treatment progress
  - Need to balance community, victim, and offender rehabilitative interests
  - Lack of specificity about what constitutes progressing in treatment
  - Lack of access to Judicial database and information



# Treatment Solution Options

- Wait List Transparency Considerations
  - Need for clients to know where they are on the list
  - List constantly changes based on new admissions and other considerations
  - Discussed how to provide information that offers hope without causing loss of hope based on list fluctuations



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# Treatment Solution Options

- Lifetime Supervision Act Considerations
  - Statutory and Legislative consideration
  - Requirement to progress in treatment prior to being paroled
  - Possible to use community based treatment resources rather than DOC treatment for lower risk clients
  - Challenges related to determining who is lower risk (only have static risk measure, not dynamic) and may not have completed an evaluation
  - Actual or perceived public safety, victim protection, and community challenges
  - Limitations on available community treatment resources
  - No formal recommendation made as this is Legislative consideration



# Summary and Conclusion

- Problem for some indeterminately sentenced inmates to access treatment prior to PED
- DOC has taken a number of steps to address this concern
- Hope to show measurable progress on this issue
- SOMB and DOC committed to continuing to work on this issue





# SOMB Strategic Goals

- Provider recruitment project
  - Providers of diverse backgrounds including those who represent different ethnic and racial groups, and speak a second language
  - Providers who can work with LGBTQ+ population
  - Providers in underserved areas including Corrections
- Enhanced policies and standard for the SOMB to be responsive to clients of different backgrounds
  - Limitations of assessment tools
  - Importance of culturally responsive practice
  - Document translation
- Strategic planning, and board engagement both within the board and with stakeholders, particularly those in areas outside the Denver metro area



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# SOMB Strategic Goals

- Respond to new and evolving research and practices in the field, including Colorado data
  - Publish policy briefs and guidance documents
- Improve treatment outcomes
  - Research study and guidance to the field
- Support individualization of treatment related to Risk, Need, Responsivity (RNR) Principles
- Identify additional needs from the field that can be supported with Sex Offender Surcharge funds
  - Offender reentry and housing
  - Support for victim advocates
  - Division of Youth Services data collection project
  - Offender service dollars for Probation



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Questions?