

REPORT HIGHLIGHTS



SEX OFFENDER MANAGEMENT BOARD
PERFORMANCE AUDIT, JUNE 2020

SEX OFFENDER MANAGEMENT BOARD
DEPARTMENT OF PUBLIC SAFETY

CONCERN

How the Sex Offender Management Board (Board) fulfills its statutory duties can affect both sex offenders in the criminal justice system and the safety of victims and potential victims. Our audit found deficiencies in how the Board has established standards of conduct for providers who serve offenders, as well as issues in how the Board approved providers and investigated complaints alleging these providers violated standards. We also found a lack of transparency and accountability in how the Board mitigates conflicts of interest among its members and documents those decisions during its meetings.

KEY FINDINGS

- Most sections of the Board Standards do not reference supporting evidence, as required by statute. Of the 381 subsections on evaluating, identifying, and treating offenders, only 18 percent of the subsections in the Adult Standards and 11 percent of the subsections in the Juvenile Standards cited supporting evidence.
- Of 18 provider applicants we reviewed who applied for Board approval to serve offenders, the Board did not verify that 13 applicants met applicable requirements related to references, competency in professional standards and ethics, clinical supervision, sex offender-specific training, example work products, and competency to serve offenders with developmental/intellectual disabilities or juvenile offenders.
- In some instances, the Board did not comply with the statutory requirement to investigate complaints and did not clearly follow the Board's complaint policy. For example, the Board took no action on two anonymous complaints submitted during the period we reviewed, and also took no action on two other complaints that met the Board's criteria requiring some investigative action.
- Nine Board members who were active during our testing period had actual conflicts or situations that created the appearance of a conflict that were not disclosed and did not prevent them from performing official actions. For example, three members of the Board's Application Review Committee were owners, directors, or officers of the same businesses that employed individuals whom the Committee approved to be providers during Calendar Year 2018.
- Both revenue and the balance of the Sex Offender Surcharge Fund have been increasing over the last 5 years, but the Board's annual allocation recommendations have not increased.

BACKGROUND

- Each of the Board's 25 members is appointed to provide expertise in sex offense-related issues and is charged with prioritizing the protection of victims and potential victims.
- The Board's primary focus is to develop standards and processes for service providers and state agencies responsible for treating and managing Colorado's 24,000 registered sex offenders. These Board standards are intended to help manage and reduce sexually abusive risk behavior and promote protective factors that help prevent offenders from reoffending.
- The Board also approves providers (e.g., mental health professionals, polygraph examiners) who serve sex offenders, investigates complaints against these providers, and develops an annual allocation plan for the Sex Offender Surcharge Fund.
- The Board conducts its work through formal voting processes during committee and full Board meetings, which are typically held monthly. It receives operational support from Department of Public Safety staff.

KEY RECOMMENDATIONS

The Board should implement policies and procedures to guide its standards revision process as well as revise standards to clearly indicate, for each standard, which is evidence-based and which lacks supporting evidence, and why. The Board should approve only qualified providers by checking references for first-time applicants, and requiring staff and committee members to document their review of applicants' qualifications. The Board should strengthen its complaints handling process to comply with statute, and ensure fairness and consistency by implementing written policies that address various aspects of the process. The Board should obtain a written legal opinion from the Attorney General that clarifies how the State Code of Ethics applies to Board members, and implement written guidance to specify how the statutory provisions apply to the Board. The Board agreed with all six recommendations.