

COMMUNITY NOTIFICATION



Hugo Marshal's Office

SEX OFFENDER LEGISLATIVE HISTORY

- National Sex Offender Legislation
 - Jacob Wetterling Act 1994
 - Megan's Law 1996
 - Pam Lychner Act 1996
 - Campus Sex Crimes Prevention Act 2000
 - Adam Walsh Act 2006



COLORADO SEX OFFENDER LEGISLATION

- Colorado Sex Offender Legislation
 - SVP Definition 18-3-414.5 C.R.S.
 - Community Notification 16-13-901 C.R.S.
 - Sex Offender Registration 16-22-101 C.R.S.

COMMUNITY NOTIFICATION IN COLORADO

Occurs in 2 ways in Colorado:

- **Passive:** Via the sex offender registration process whereby citizens seek information about offenders from law enforcement via website or in person at headquarters
- **Active:** Via notification from law enforcement to citizens through a meeting or alternative forms for higher risk sex offenders determined by the courts/parole board to be Sexually Violent Predators (SVPs)

WHAT DOES SVP MEAN

Via old assessment (administered prior to 7/2010)

According to research, previous assessment indicated SVP's are 3x more likely to be arrested for a violent crime within 5 years of release from Department of Corrections

Via new assessment (administered during or after 1/2018) : More likely to commit a new sex or violent crime post-release

HOW SVP IS DETERMINED

Two (2) ways SVP is determined

1. Assessment conducted and court/parole board makes a finding
2. Offender moves to Colorado from another jurisdiction where he/she was ranked as the highest risk/registration level in that jurisdiction and CBI makes the finding (equivalency)

CRITERIA FOR ASSESSMENT

Statutorily, the offender MUST meet specific criteria PRIOR to undergoing the SVP assessment (SORS assessment):

1. Age
2. Date of offense & conviction
3. Crime of conviction
4. Relationship to victim



CRITERIA FOR ASSESSMENT

AGE

The offender must be age 18 years or older at the time the offense was committed or tried as an adult if under the age of 18 when the offense was committed



CRITERIA FOR ASSESSMENT

DATES:

The crime/offense must have been committed on or after **July 1, 1997**.

AND

The conviction of such crime must have occurred on or after **July 1, 1999**.

CRITERIA FOR ASSESSMENT

CRIME(S)

The crime of conviction must be one or more of the following, including **attempts, solicitations, & conspiracies**:

- Sexual Assault
- Unlawful Sexual Contact
- Sexual Assault on a Child
- Sexual Assault on a Child, Position of Trust

“conviction” includes **guilty verdict, guilty plea, nolo contendere, and deferred judgment/sentence**

CRITERIA FOR ASSESSMENT

RELATIONSHIP:

The relationship to the victim must have been either:

A **stranger** to the offender

OR

A person with whom the offender **established** or **promoted** a relationship primarily for the purpose of sexual victimization

ASSESSMENT****

If ALL criteria are met, the offender MUST have the assessment

Risk Assessment Instrument:

1. Prior felony sex conviction or two misdemeanor sex convictions
2. Actuarial risk factors (adult cases filed, juvenile cases filed, revocations from probation or community corrections, & earliest sex offense filing age)
3. Psychopathy or Personality Disorder (psychopathy, significant mental illness, or other significant mental issues)

Administered by Probation/DOC staff AND an SOMB approved evaluator

SVP & CN

If the offender meets all criteria, then...
Probation/DOC recommends that the
Court/Parole Board make a finding that the defendant be
designated as a SVP.

**All designated SVP's are subject to
Community Notification Meetings.**

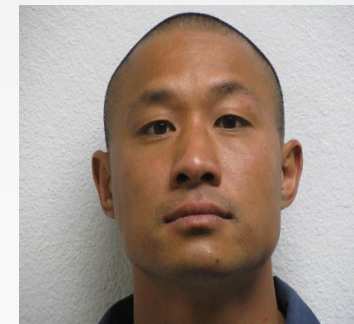
OVERVIEW OF CN

- DOC/Parole/Probation Notifies Local Law Enforcement Agency of SVP's Arrival in Community;
- SVP Registers with Law Enforcement Agency;
- Law Enforcement Notifies CBI;
- CBI places SVP on Internet (within 3 days)
- Law Enforcement Agency Conducts Community Notification in Accordance with *SOMB Criteria*.

<http://sor.state.co.us/>

FACTS & STATS

- As of **1/26/2018** there are approx. **18,919** registered sex offenders in Colorado.
- As of **1/26/2018** there are approx. **206** SVP's on the website, nearly half of which are incarcerated
- As of ******, there are approximately ****** registered sex offenders in the city/county of *******.



WHAT DO THESE 12 PEOPLE HAVE IN COMMON?



FELONY



FELONY



FELONY



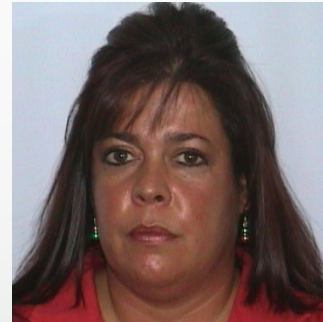
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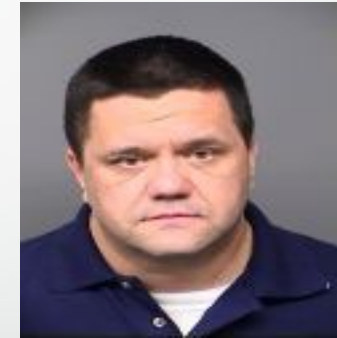
FELONY



SVP



FELONY



SVP



SVP



FELONY



FELONY



SVP

MYTH BUSTERS

MYTH

- *You can "spot" a sex offender*
- *Most offenders have a long rap sheet*
- *Sex crimes are acts of impulse*

FACT

- There is no such thing as a "typical" sex offender; they come from all backgrounds, ages, income levels, and professions.
- Many sex offenders have **NO** criminal history.
- Studies show 75% of sex offenses are carefully planned. (When 3 or more assailants are involved, the number climbs to 90%.) (WebMD Feature March 27, 2000 Berkeley, CA)

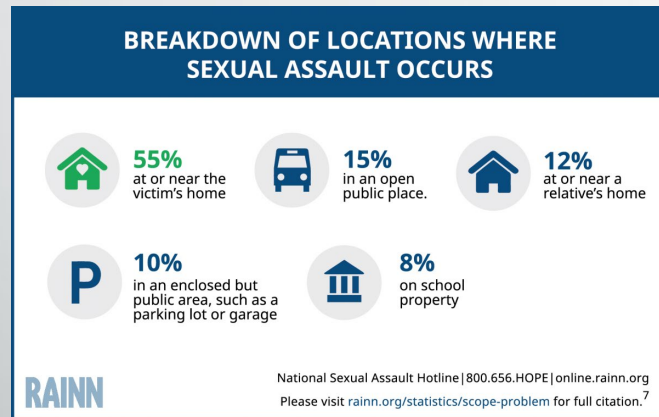
SEX OFFENDER CHARACTERISTICS

- Research indicates most sex offenders engage in CROSSOVER behavior.
 - When an offender acts outside of his or her usual deviant sexual interest. An offender may be caught for one type of offense but is at a higher risk to commit another type of offense involving a victim of a different age, gender, or race..
- Crime of conviction is only one indicator of risk.
 - Child molesters in CO who re-offended sexually did not live closer to schools or daycare centers than those who did not re-offend (Colo. Dept. of Public Safety, 2004)
- Most sex offenders are male. Female offenders account for less than 10% of sex offense cases. (FBI 2006)

MYTH BUSTERS

MYTH

- *Sexual Assaults occur in dangerous places*



- *Most sex crimes are committed by a stranger*

FACT

- A study conducted in Colorado Department of Corrections indicated 85% of the sex offenders reported having committed the sex crime at their own residence, or at the victim's residence.
- 93 % of child sex abuse victims know their abusers (Dept of Justice, 2000)

STRANGER DANGER?

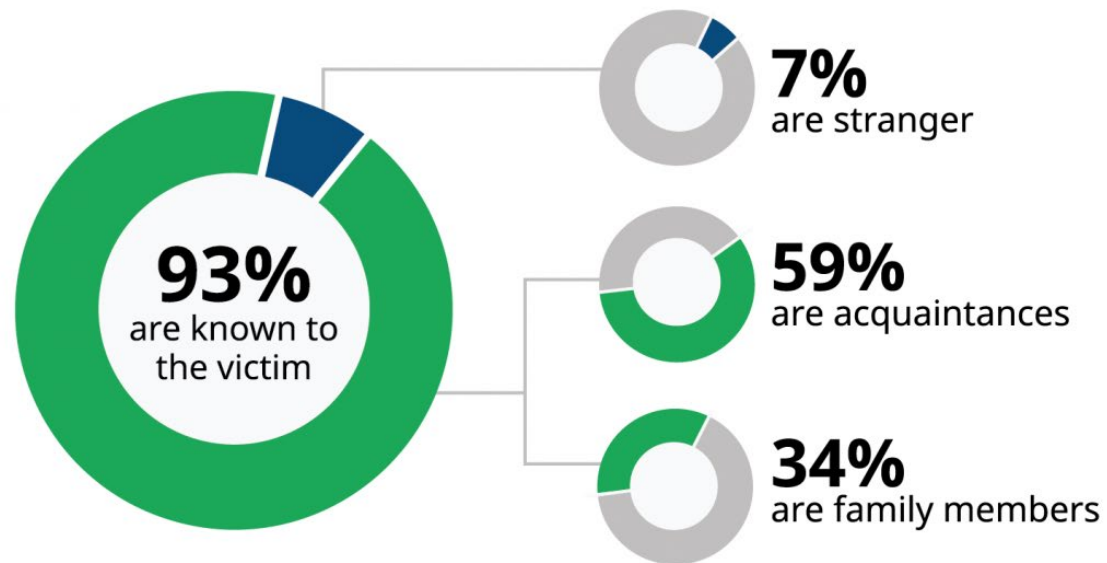
ABDUCTIONS IN THE UNITED STATES:

- US Census estimates there were 74,000,000 Children (age 17 and under) in US in 2018.
- 47 Children (0.00015%) were abducted by strangers in 2000 (US DOJ-NISMART,OJJDP, OCT 2002)

STATISTICAL REALITY

CHILD VICTIMS OFTEN KNOW THE PERPETRATOR

Among cases of child sexual abuse reported to law enforcement:



RAINN

National Sexual Assault Hotline | 800.656.HOPE | online.rainn.org
Please visit rainn.org/statistics/children-and-teens for full citation.⁴

ALCOHOL & DRUGS

DID YOU KNOW?

- It is a felony crime to have sex with someone who is under the influence of drugs or alcohol and who is “physically helpless” or incapable of appraising the nature of their actions.

C.R.S. 18-3-402 (b), (h)

SEXUAL ASSAULT

C.R.S. 18-3-402, 18-3-405, and 18-3-405.3

- *It is illegal to have sexual relations if:*
 - The victim is less than 15 years of age, and actor is at least 4 years older than the victim (but less than 17 years of age);
 - The victim is less than 18 years of age and the actor is in a “position of trust” with respect to the victim;
 - The victim is at least 15 years of age, but less than 17 years of age, and the actor is at least 10 years older than victim, and not spouse of victim, or victim in custody of law or detained in a hospital; victim is helpless physically, etc.

INTERNET EXPLOITATION OF A CHILD

“... who is at least 4 years older than a child who is under 15 years of age, knowingly entices the child through communication via computer network or system to: expose; touch the child’s own or another person’s intimate parts while communicating with the person via a computer; observe the person’s intimate parts while communicating with the person.

This includes SEXTING!

POSTING, POSSESSION, OR EXCHANGE OF A PRIVATE IMAGE BY A JUVENILE: "SEXTING"

- It is illegal for anyone 18 years or older to Post, Possess or Exchange images of anyone who is at least less than 14 or less than 4 years younger.
- POSTING: Class 1 or 2 Misdemeanor
 - Knowingly distributes, displays or publishes image another who is at least 14 or is less than 4 years younger without permission;
 - OR of him/herself if the recipient didn't request it and suffered emotional distress
 - OR the poster knew or should have known that the depicted person had a reasonable expectation of privacy.
- POSSESSION: Petty Offense or Class 2 Misdemeanor
 - Knowingly possesses image of another who is at least 14 or is less than 4 years younger without permission.
- EXCHANGING: Civil Infraction
 - Knowingly sends an image of self to another who is at least 14 or is less than 4 years younger and reasonably believed the recipient agreed;
 - OR Knowingly possesses an image of another who is at least 14 or is less than 4 years younger and reasonably believed depicted person agreed.

COMMUNITY SUPERVISION

- Sexual offending behavior is often repetitive and there is a continuing risk that adult sex offenders will re-offend.
- Most sex offenders in Colorado are supervised by the criminal justice system in the community.
- PO's monitor conditions and behavior, & impose sanctions.
- Sex offenders must waive confidentiality for treatment & case management purposes.
- Secrecy undermines rehabilitation & threatens public safety.
- Sex offenders must be completely accountable for their behavior & must agree to intensive & intrusive measures.

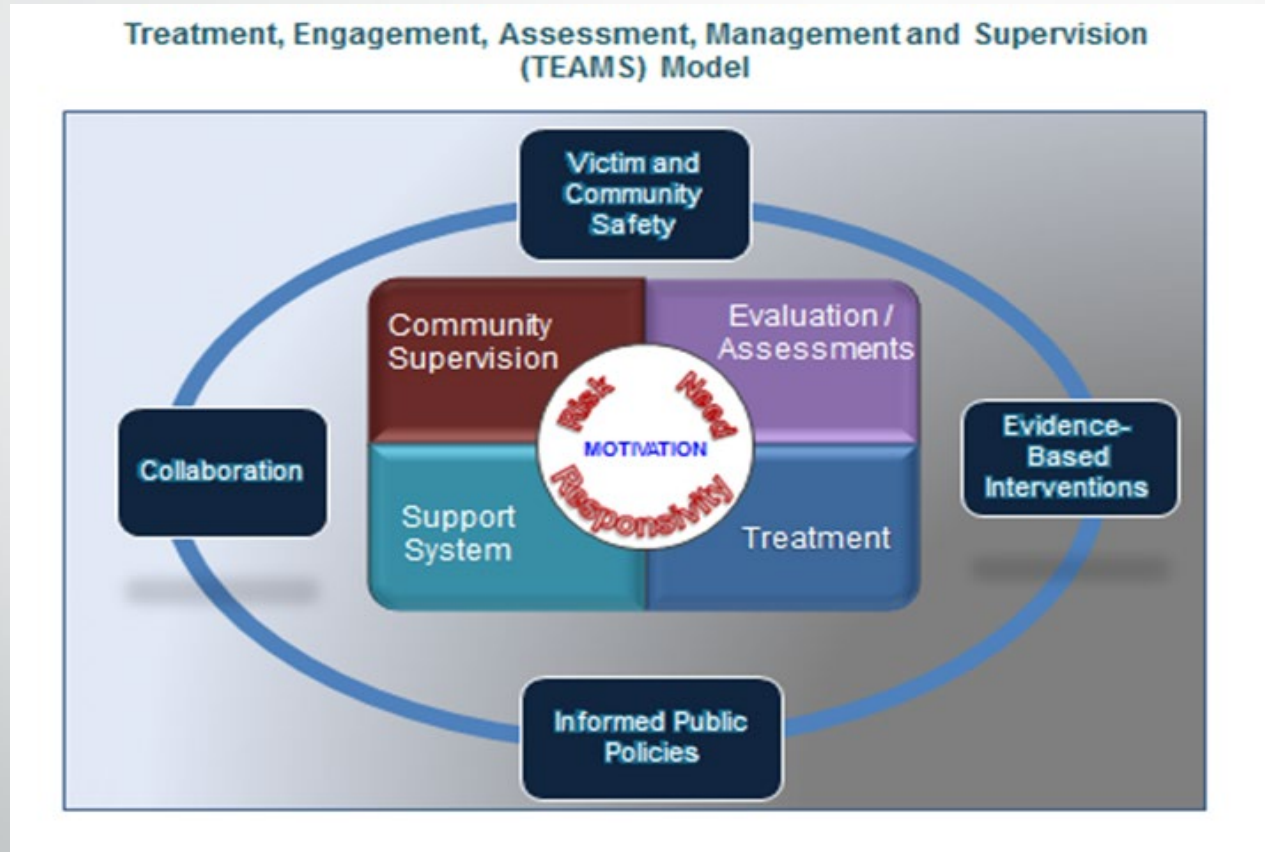
COMMUNITY SUPERVISION APPROACH

*Criminal Justice
Supervision*

Polygraph Examiners

Victim Representative

*Sex Offense Specific
Treatment Providers*



COMMUNITY MEMBERS

MYTH BUSTERS

MYTH

- *Most Victims "ask" for it*
- *Victims who suffer NO OBVIOUS physical injury are not seriously traumatized by their experience*

FACT

- Sex offenders use power and control to dominate and humiliate victims of both genders.
- Only about 4% of rape victims sustained serious physical injuries as a result of rape. 70% reported no physical injuries. ALL victims suffer.

IMPACT ON VICTIMS OF SEX OFFENSES

- Victims exhibit many different responses: crying, angry, quiet, withdrawn. There is no “normal” response.
- Sex assault by someone known to victim creates more difficult recovery.
- Victims often develop post-traumatic stress disorder.
- Long-term effects inc.: depression, anxiety, eating disorders, flashbacks, divorce, loss of sexual interest, loss of concentration, sleeping disorders, suicide.
- Male victims tend to develop anti-social behaviors; females tend to develop depression; both develop substance abuse problems.

IMPACT ON VICTIMS OF SEX OFFENSES

- Victims of sexual assault are 3 times more likely than the general population to suffer from depression;
- Are 13 times more likely to attempt suicide;
- Have greatly increased rates of substance use and abuse;
- Are likely to engage in poor contraceptive use;
- And have a higher rate of unwanted pregnancy. (CCASA, 2003)
- Victims of sexual assault have an increased risk of involvement with the judicial system (Widom, 1995)
- Responses are minimized when victims are believed & supported.

COMMUNITY RESPONSIBILITY

- The community has a vested interest in helping offenders be successfully managed in the community.
- Harassment is counter-productive to the goals of community management & may cause offenders to go underground
- Sex offenders have the same need for housing & employment as other citizens

COMMUNITY RESPONSIBILITY

- A stable offender equals increased community safety
(Bumby & Talbot CSOM 2000)
- Any citizen who uses this information to harass, threaten, or intimidate will be subject to criminal prosecution.

SUBJECT OF NOTIFICATION

SVP Bulletin



AN SVP BECAUSE...

First Criteria:

Must have been age 18 at the time of the offense, or had been tried as an adult.

This SVP:

This SVP's age at the time the offense was committed.

AN SVP BECAUSE...

Criteria for SVP

The crime must have been committed on or after July 1, 1997 and convicted on or after July 1, 1999.

This SVP

This SVP's date of crime and date of conviction:

AN SVP BECAUSE...

Criteria for SVP

- A. Sexual Assault
- B. Unlawful Sexual Contact
- C. Sexual Assault on a child
- D. Sexual Assault on a child/position of trust

(Includes Attempts, Conspiracies or solicitations.)

This SVP

This SVP's conviction:

AN SVP BECAUSE...

Criteria for SVP

The victim's relationship with the offender must have been either:

- A. A stranger
- or
- B. A person with whom the offender established or promoted a relationship primarily for the purpose of sexual victimization

This SVP's

The victim was (A or B) to the offender...

AN SVP BECAUSE...

Criteria for SVP

Positive results, or scoring high enough on the risk assessment instrument, which includes assessment of the following:

- * presence of mental abnormality
- * prior sexual conviction(s)
- * risk factors related to sexual re-offense

(Administered by probation/parole and treatment evaluator)

This SVP

This SVP was evaluated and recommended to be SVP. The court/parole board designated him as a Sexually Violent Predator.

(Or this SVP was identified as ** in another state, and CBI determined the offender met the criteria for Colorado)

** SVP NAME & LEGAL STATUS

- IF the offender **IS NOT** on probation or parole in Colorado: (leave blank and provide explanation during presentation.)
- IF the offender **IS** under community supervision: (list specific probation/parole terms & conditions)
 - Mandates
 - Prohibitions/Restrictions

REGISTRATION REQUIREMENT

SVP's must register with law enforcement

- Quarterly
- Lifetime
- Internet Identifiers and email address
- Residence must be verified quarterly by the Police Department



SCHOOLS, PARKS, BUS ROUTES NEAR SVP'S RESIDENCE

- List schools, park (s), recreation centers and bus routes if desired/applicable



COMMUNITY PROTECTION & SAFETY ISSUES

SVP's Do Not Represent All Dangerous Sex
Offenders,

& the Community Notification process is
not a complete deterrent to sexual assault.

PLEASE REMEMBER....

Vigilantism, harassment, threats or intimidation of the offender is counter-productive to the best interests and safety of the community.

We want them to be:

- Registered and visible in the community
- Not go “underground” or provide false information

Such activity is criminal and will be investigated and the actor will be subject to prosecution

COMMUNITY PROTECTION & SAFETY ISSUES

What can I tell my children about the SVP?

- Avoid scary details.
- Use language that is honest and age-appropriate.
- Teach your children not to visit offender's home or yard, but also not to harass them.
- Teach your children to TELL a SAFE ADULT if anyone acts towards them (i.e. creepy, too friendly, threatening, not respecting their boundaries, etc.) inappropriately

COMMUNITY PROTECTION & SAFETY ISSUES

What can I teach my children:

- Pay attention to your child's thoughts/feelings
- Role play with your child: Act out scenarios of various dangerous situations and teach them how to respond
- Avoid high risk situations
- Be observant of your surroundings
- Be thoughtful and use good judgment when choosing friends/partners
- Teach appropriate social behaviors
- Teach correct names for body parts
- Teach children that adults are NOT ALWAYS right
- Teach the importance of honesty and the danger of keeping secrets

COMMUNITY PROTECTION & SAFETY ISSUES

RESOURCES

- Colorado Bureau of Investigation (CBI) website:
<http://sor.state.co.us/>
- Colorado Sex Offender Management Board website:
<http://dcj.somb.state.co.us/>
- Dru Sjodin National Sex Offender Public Website:
<http://www.nsopw.gov/Core/Conditions.aspx>
- National Sexual Assault Hotline at: 800-656-HOPE
- National Center for Missing and Exploited Children website:
<http://www.missingkids.com>
- The Center for Sex Offender Management website:
<http://www.csom.org>

QUESTIONS & ANSWERS

GROUND RULES

1. Questions only. No editorials or comments will be allowed.
2. Questions will be taken by ADULTS ONLY.
3. One question per person. Second questions may be permitted after all the first questions have been addressed and if time allows.
4. All participants are expected to conduct themselves in an orderly and respectful fashion.
5. Personal sexual assault experiences should not be discussed during this time. A victim services representative will be available after the meeting for audience members to meet with privately.
6. Anyone attempting to disrupt the meeting will be asked to leave and be escorted out by law enforcement.

COMMUNITY NOTIFICATION



**INFORMED
COMMUNITIES
ARE SAFER
COMMUNITES**

(SOMB 5/15)