

Colorado Sex Offender Management Board

**Evaluation Guidelines and Intervention Options Matrix for Sexual Offenders
Who Meet the Definition Based Upon a Current Non-Sex Crime
and a History of Sex Crime Conviction or Adjudication**

Approved by SOMB on May 18, 2012 and Revised on February 15, 2013

The following are guidelines for listed evaluators who are evaluating sexual offenders who are convicted of a non-sex crime (including Failure to Register) and have a history of a prior sex crime adult conviction or juvenile adjudication. Please note that the following guidelines are offered to assist listed evaluators in performing evaluations for this population and are not offered as a required protocol. Listed evaluators are free to continue to use professional discretion in evaluating this population within the requirements of the Colorado Sex Offender Management Board *Standards and Guidelines for the Assessment, Evaluation, Treatment and Behavioral Monitoring of Adult Sex Offenders* Section 2.000 (Standards For Sex Offense-Specific Evaluations). In addition to the following evaluation guidelines and intervention options, listed evaluators are also encouraged to consider factors such as the nature of the original sex crime and the length of time that has passed since the sex crime occurred in assessing intervention needs.

The Evaluation Guidelines and Intervention Options for Sexual Offenders Who Meet the Definition Based Upon a Current Non-Sex Crime Conviction and a History of Sex Crime Conviction or Adjudication (the Matrix) is formatted in the following manner. For sexual offenders whose original sex crime adjudication (including deferred sentences and factual basis cases) occurred prior to age 18, even if the offender is now an adult, the first set of guidelines should be utilized. On the other hand, for sexual offenders whose original sex crime conviction (including direct file juveniles, deferred sentences, and factual basis cases) occurred after age 18 (except for direct file juvenile cases who are also included here), the second set of guidelines should be utilized. Please use the appropriate section of the Matrix for a given case.

As always, in utilizing the Matrix, care should be given in application to females, persons with developmental disabilities, and persons with chronic mental illness. Recommended guidelines and instruments may not be applicable to these populations, and the listed evaluator should use professional discretion with these populations.

Finally, the listed evaluator should consult with the offender's prior Community Supervision Team (CST)/Multi-Disciplinary Team (MDT) members, including any prior adjunct treatment providers, from the time of the sex crime conviction or adjudication if available, and the Pre-Sentence Investigating Officer prior to completion of the Matrix.

Evaluation Guidelines and Interventions Option Matrix for Sexual Offenders Who Meet the Definition Based Upon a Current Non-Sex Crime and A History of Sex Crime Adjudication (Including Deferred Sentences and Factual Basis Cases) Prior to Age 18:

Evaluation Guidelines and Interventions Option Matrix for Sexual Offenders Who Meet the Definition Based Upon a Current Non-Sex Crime and A History of Sex Crime Adjudication (Including Deferred Sentences and Factual Basis Cases) Prior to Age 18:

There are 5 different intervention options (A, B, C, D, and E) for the Matrix. The listed evaluator should evaluate each consideration and then determine which option best fits the offender. A recommended intervention is then specified for each option. The options are not mutually exclusive and clinical judgment should be exercised to determine the best option given the evaluative review.

Option A (No sex offender specific treatment or supervision services. The only services provided would be those ordered by the Court as a normal course of action for the index crime.)

Considerations:

All considerations should be answered affirmatively for determination of Option A.

- Successful completion of sex offense specific treatment (self-report or verified by treatment records¹) and supervision for the original sex crime adjudication; and
- Non-violent² index crime, and not a crime involving domestic violence; and
- No significant current criminogenic needs³ as identified by current evaluative review utilizing clinical judgment and taking into account community safety issues; and
- Index crime does not contain dynamics/components that are similar in nature to the precursors of the original sex crime behavior, and is non-sexual in nature (index offense has no sexual motivation/dynamics) (Case Example - non-patterned shoplifting offense of a non-sexual item); and
- Low current dynamic risk factor assessment for any type of criminal re-offense based upon the current evaluative review⁴ utilizing structured professional judgment based on the Stable 2007; and
- For cases involving a Failure to Register (FTR) charge, Option A may be considered if the listed evaluator deems the FTR to have lower levels of intentionality (e.g. FTR based

¹ Listed evaluators must document all unsuccessful efforts taken to obtain prior treatment records before accepting offender self-report without substantiation.

² A violent crime is a crime that is defined by Colorado statute as a violent crime, **or** if the listed evaluator believes the nature of the behavior is violent despite the crime of conviction not being identified as a violent crime, the listed evaluator may consult definitions of violence in standardized risk assessment measures (e.g. VRAG, SAVRY, Static 99-R, etc.) for application of this item.

³ “The need principle calls for the focus of correctional treatment to be on *criminogenic needs*. Criminogenic needs are dynamic risk factors that are directly linked to criminal behavior. Criminogenic needs can come and go unlike static risk factors that can only change in one direction (increase risk) and are immutable to treatment intervention. Offenders have many needs deserving of treatment but not all of these needs are associated with their criminal behavior. These criminogenic needs are subsumed under the major predictors of criminal behavior referred to as “central eight” risk/needs factors (Andrews & Bonta, 2006; Andrews et al., 2006).” (as cited in Risk-need-responsivity model for offender assessment and rehabilitation (2007-06), Bonta & Andrews). The central eight risk/needs factors are: Anti-social Attitudes, Anti-social Peers, Anti-social Personality Pattern, History of Anti-Social Behavior, Family / Marital Factors, Lack of Achievement in Education / Employment, Lack of Pro-social Leisure Activities, and Substance Abuse.

⁴ Listed evaluators can consider risk assessments completed at the time of the original sex crime adjudication, but are not to attempt to re-create a static risk assessment for this population given the uncertainty about instrument applicability, and should also keep in mind the limits on the validity of older evaluations and risk assessments (see for example the Association for the Treatment of Sexual Abusers Practice Guidelines and the two-year limit in Colorado state statute (16-11-102 C.R.S.).

Evaluation Guidelines and Interventions Option Matrix for Sexual Offenders Who Meet the Definition Based Upon a Current Non-Sex Crime and A History of Sex Crime Adjudication (Including Deferred Sentences and Factual Basis Cases) Prior to Age 18:

of the belief that registration was no longer necessary rather than a deliberate attempt to avoid accountability).

Recommendations:

- No specific treatment recommendations
- Supervised in a manner like regular non-sex offender probation
- No additional terms and conditions for sex offender supervision

Option B (No sex offender specific treatment or supervision services, but recommend specialized treatment services such as anger management, medical evaluation, or substance abuse.)

Considerations:

All considerations should be answered affirmatively for a determination of Option B.

- Successful completion of sex offense specific treatment (self-report or verified by treatment records⁵) and supervision for the original sex crime adjudication; and
- Non-violent⁶ index crime, and not a crime involving; and
- Presence of current non-sexual criminogenic needs⁷ as identified by current evaluative review utilizing clinical judgment and taking into account community safety issues; and
- Index crime does not contain dynamics/components that are similar in nature to the precursors of the original sex crime behavior, and is non-sexual in nature (index offense has no sexual motivation/dynamics) (Case Example – DUI where alcohol was not involved in the prior sex crime); and
- Low, moderate, or high current dynamic risk factor assessment for any type of criminal re-offense, but low dynamic risk factor assessment for sexual re-offense based upon current evaluative review⁸ utilizing structured professional judgment based on the Stable 2007; and
- For cases involving a Failure to Register (FTR) charge, Option B may be considered if the listed evaluator deems the FTR to have lower levels of intentionality (e.g. FTR based of the belief that registration was no longer necessary rather than a deliberate attempt to avoid accountability).

Recommendations:

⁵ Listed evaluators must document all unsuccessful efforts taken to obtain prior treatment records before accepting offender self-report without substantiation.

⁶ A violent crime is a crime that is defined by Colorado statute as a violent crime, **or** if the listed evaluator believes the nature of the behavior is violent despite the crime of conviction not being identified as a violent crime, the listed evaluator may consult definitions of violence in standardized risk assessment measures (e.g., VRAG, SAVRY, Static 99-R, etc.) for application of this item.

⁷ See footnote 3 for more guidance.

⁸ Listed evaluators can consider risk assessments completed at the time of the original sex crime adjudication, but are not to attempt to re-create a static risk assessment for this population given the uncertainty about instrument applicability, . and should also keep in mind the limits on the validity of older evaluations and risk assessments (see for example the Association for the Treatment of Sexual Abusers Practice Guidelines and the two-year limit in Colorado state statute (16-11-102 C.R.S.)).

Evaluation Guidelines and Interventions Option Matrix for Sexual Offenders Who Meet the Definition Based Upon a Current Non-Sex Crime and A History of Sex Crime Adjudication (Including Deferred Sentences and Factual Basis Cases) Prior to Age 18:

- Recommend non-sexual, other type of treatment (e.g. anger management⁹, medical evaluation, or substance abuse)
- Supervised in a manner like regular non-sex offender probation
- No additional terms and conditions for sex offender supervision

⁹ Please note that per the Domestic Violence Offender Management Board, anger management is not an appropriate recommendation for a domestic violence related offense.

Option C (Additional assessment needed to determine the offender’s level of risk and treatment/supervision needs. Recommend Option A, B, D, or E upon completion, or make a determination that the ongoing assessment/treatment refresher work (Option C) was all that was needed.)

Considerations:

If all of the considerations in Options A and B are not met, then the evaluator should focus the determination on Options C, D, or E. Please note that not all of these factors must be met for a determination of Option C, and if multiple items exist, Option D may be a better recommendation. In addition, depending upon the severity of any of these items, the offender may be better served in Option D based on any one of these items.

- Documentation of non-successful sex offense specific treatment completion¹⁰; or
- Violent¹¹ index crime (including crimes involving domestic violence); or
- Index crime contains dynamics/components that are similar in nature to the precursors of the original sex crime behavior but is not sexual in nature (index offense has no sexual motivation/dynamics) (Case Example – original sex crime consisted of significant grooming/manipulation, and index crime is fraud); or
- Moderate or high current dynamic risk factor assessment for sexual re-offense based upon the current evaluative review¹² utilizing structured professional judgment based on the Stable 2007; or
- For cases involving a Failure to Register (FTR) charge, Option C may be considered if the listed evaluator deems the FTR to have higher levels of intentionality (e.g. FTR based on a deliberate attempt to avoid accountability rather than the belief that registration was no longer necessary); or

¹⁰ Consider the length of time between the original sex crime and the index offense. Research on juveniles who have committed sexual offenses suggests that recidivism is less likely to occur once the juvenile becomes an adult (see for example: Reitzel LR, Carbonell JL (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(4):401-421; Caldwell M (2007). Sexual offense adjudication and sexual recidivism among juvenile offenders. *Sexual Abuse: A Journal of Research and Treatment*. 19(2):107-113).

¹¹ A violent crime is a crime that is defined by Colorado statute as a violent crime, **or** if the listed evaluator believes the nature of the behavior is violent despite the crime of conviction not being identified as a violent crime, the listed evaluator may consult definitions of violence in standardized risk assessment measures (e.g., VRAG, SAVRY, Static 99-R, etc.) for application of this item.

¹² Listed evaluators can consider risk assessments completed at the time of the original sex crime adjudication, but are not to attempt to re-create a static risk assessment for this population given the uncertainty about instrument applicability, . and should also keep in mind the limits on the validity of older evaluations and risk assessments (see for example the Association for the Treatment of Sexual Abusers Practice Guidelines and the two-year time limit in Colorado state statute (16-11-102 C.R.S.).

Evaluation Guidelines and Interventions Option Matrix for Sexual Offenders Who Meet the Definition Based Upon a Current Non-Sex Crime and A History of Sex Crime Adjudication (Including Deferred Sentences and Factual Basis Cases) Prior to Age 18:

- Presence of significant denial related to the original sex crime conviction; or

Presence of deviant sexual arousal/interest during the current evaluative review per plethysmograph assessment, VRT assessment, or offender self-report.

Recommendations:

- Specialized sex offender probation supervision, which could be changed to supervision in a manner like regular non-sex offender probation after completion of Option C if the offender is not recommended for Option D
- Additional terms and conditions for sex offender supervision with the exception of not being precluded from contact with own child, if Judge so orders. These supervision conditions could be waived upon completion of Option C if the offender is not recommended for Option D.
- Additional assessment process to include sex history disclosure process, polygraph, and time-limited treatment refresher work (see Appendix B)
- Ongoing assessment of suitability of contact with own child, if applicable, including consultation with any treatment provider working with the child (if there is one), and modification if needed.
- Assessment of deviant sexual arousal/interest, if present, for possible treatment refresher work on arousal/interest management, or other intervention needs
- Listed provider should use a modified written agreement with offender so that the offender understands what is being expected in treatment
- For offenders in significant denial, Option C can be used to attempt to overcome resistance to treatment and denial issues, but if denial cannot be overcome then Option E should be considered
- If the index offense is a domestic violence offense, assess to determine if treatment needs are sex offense or domestic violence specific, or combination of the two. In addition, the harm to the child of a parent engaging in domestic violence behavior should be considered in determining whether to limit contact between the offender and his/her own child(ren).
- Offender could be referred to option D either during or upon completion of Option C, or could be deemed to have met the treatment requirement upon completion of Option C
- Listed provider should prepare a written discharge summary upon completion of Option C with updated recommendations that also note any change in risk assessment

Option D (Sex offense specific treatment and supervision with all of the required Terms and Conditions.)

Considerations:

- Juvenile's historical (as assessed in the original evaluation)¹³, and current sexual dynamic factors based upon the current evaluative review utilizing structured professional judgment based on the Stable 2007 are moderate- high and:
 - Juvenile did not complete treatment (including insufficient out-of-state treatment, or never having been in treatment). Was unsuccessfully discharged or probation was revoked for abusive behavior, or
 - Continuing abusive behavior, or
 - Continued to act out sexually while on probation and in treatment, and may have gone to the Division of Youth Corrections as a result

OR

- Index crime is sexual in nature (index crime has sexual motivation/dynamics) (Case Example – Burglary that involved stealing women's undergarments.)

Recommendations:

- Specialized sex offender probation supervision
- Additional terms and conditions for sex offender supervision including no contact with the offender's own child unless a Child Contact Assessment determines such contact is appropriate
- Sex offense specific treatment as well as any other specific treatment and intervention recommendations by the listed evaluator, as applicable
- Assess for current treatment needs and address in the treatment plan (only cover needed treatment areas and not necessarily start the offender over in treatment)

¹³ Listed evaluators can consider risk assessments completed at the time of the original sex crime adjudication, but are not to attempt to re-create a static risk assessment for this population given the uncertainty about instrument applicability, . and should also keep in mind the limits on the validity of older evaluations and risk assessments (see for example the Association for the Treatment of Sexual Abusers Practice Guidelines and C.R.S..

Evaluation Guidelines and Interventions Option Matrix for Sexual Offenders Who Meet the Definition Based Upon a Current Non-Sex Crime and A History of Sex Crime Adjudication (Including Deferred Sentences and Factual Basis Cases) Prior to Age 18:

- Treatment plan should be created based upon the potential length of sentence to maximize treatment gains, including specific plans for handling sex history and maintenance polygraph assessments
- Upon completion of Option D, a discharge summary should be prepared outlining treatment plan completion and remaining areas that could not be addressed based on sentence length limitations. This would not be considered a successful completion of sex offense specific treatment but would be an administrative completion (completed the goals as prescribed).

Option E (Recommend that offender is not appropriate for community-based sex offender specific treatment or supervision.)

Considerations:

- No motivation for treatment
- Refusal to participate in treatment
- No amenability to treatment
- High level of denial (unwillingness to cooperate despite having been given the opportunity to participate in Option C)
- History of multiple treatment failures
- Not treatable
- No motivation to change
- Presence of high level of risk on static or dynamic risk measures based on current evaluative review utilizing structured professional judgment based on the Stable 2007

Recommendations:

- Not appropriate for community based sex offense specific treatment
- Not appropriate for community supervision and should be referred back to the court for possible modification of sentence
- Risk may or may not be known, and risk for sexual re-offense may be high

Evaluation Guidelines and Interventions Option Matrix for Sexual Offenders Who Meet the Definition Based Upon a Current Non-Sex Crime and A History of Sex Crime Adjudication (Including Deferred Sentences and Factual Basis Cases) Prior to Age 18:

Evaluation Guidelines and Interventions Option Matrix for Sexual Offenders Who Meet the Definition Based Upon a Current Non-Sex Crime and A History of Sex Crime Conviction (Including Direct File Juveniles, Deferred Sentences and Factual Basis Cases) Since Age 18 (Except for Direct File Juveniles Who Are Also Included Here):

There are 5 different intervention options (A, B, C, D, and E) for this Matrix. The listed evaluator should evaluate each consideration and then determine which option best fits the offender. A recommended intervention is then specified for each option. The options are not mutually exclusive and clinical judgment should be exercised to determine the best option given the evaluative review.

Option A (No sex offender specific treatment or supervision services. The only services provided would be those ordered by the Court as a normal course of action for the index crime.)

Considerations:

All considerations should be answered affirmatively for determination of Option A.

- Successful completion of sex offense specific treatment and supervision for the original sex crime conviction; and
- Non-violent¹⁴ index crime, and not a crime involving domestic violence; and
- No significant current criminogenic needs¹⁵ as identified by current evaluative review utilizing clinical judgment and taking into account community safety issues; and
- Index crime non-sexual in nature (index offense has no sexual motivation/dynamics); and
- Static risk factor assessment from the time of the original sex crime conviction is low (obtain risk assessment from original sex offense-specific evaluation¹⁶ at the time of the sex crime conviction, **or** re-create the risk assessment using a standardized static risk assessment instrument based upon a file review that contains sufficient information, as it would have been from the time of original sex crime) (Case Example - non-patterned shoplifting offense of a non-sexual item) ; and
- Low current dynamic risk factor assessment for any type of criminal re-offense based upon the current evaluative review utilizing the Stable 2007; and

¹⁴ A violent crime is a crime that is defined by Colorado statute as a violent crime, **or** if the listed evaluator believes the nature of the behavior is violent despite the crime of conviction not being identified as a violent crime, the listed evaluator may consult definitions of violence in standardized risk assessment measures (e.g., VRAG, SAVRY, Static 99-R, etc.) for application of this item.

¹⁵ “The need principle calls for the focus of correctional treatment to be on *criminogenic needs*. Criminogenic needs are dynamic risk factors that are directly linked to criminal behavior. Criminogenic needs can come and go unlike static risk factors that can only change in one direction (increase risk) and are immutable to treatment intervention. Offenders have many needs deserving of treatment but not all of these needs are associated with their criminal behavior. These criminogenic needs are subsumed under the major predictors of criminal behavior referred to as "central eight" risk/needs factors (Andrews & Bonta, 2006; Andrews et al., 2006).” (as cited in Risk-need-responsivity model for offender assessment and rehabilitation (2007-06), Bonta & Andrews). The central eight risk/needs factors are: Anti-social Attitudes, Anti-social Peers, Anti-social Personality Pattern, History of Anti-Social Behavior, Family / Marital Factors, Lack of Achievement in Education / Employment, Lack of Pro-social Leisure Activities, and Substance Abuse.

¹⁶ Listed evaluators can consider risk assessments completed at the time of the original sex crime adjudication, or may be able to recreate a static risk assessment based upon file review, but should also keep in mind the limits on the validity of older evaluations and risk assessments (see for example the Association for the Treatment of Sexual Abusers Practice Guidelines and the two year time limit in Colorado state statute (16-11-102 C.R.S.).

Evaluation Guidelines and Interventions Option Matrix for Sexual Offenders Who Meet the Definition Based Upon a Current Non-Sex Crime and A History of Sex Crime Adjudication (Including Deferred Sentences and Factual Basis Cases) Prior to Age 18:

- For cases involving a Failure to Register (FTR) charge, Option A may be considered if the listed evaluator deems the FTR to have lower levels of intentionality (e.g. FTR based on the belief that registration was no longer necessary rather than a deliberate attempt to avoid accountability).

Recommendations:

- No specific treatment recommendations
- Supervised in a manner like regular non-sex offender probation
- No additional terms and conditions for sex offender supervision

Option B (No sex offender specific treatment or supervision services, but recommend specialized treatment services such as anger management, medical evaluation, or substance abuse.)

Considerations:

All considerations should be answered affirmatively for determination of Option B.

- Successful completion of sex offense specific treatment and supervision for the original sex crime conviction; and
- Non-violent¹⁷ index crime, and not a crime involving domestic violence; and
- Presence of current non-sexual criminogenic needs¹⁸ as identified by current evaluative review utilizing clinical judgment and taking into account community safety issues; and
- Index crime non-sexual in nature (index offense has no sexual motivation/dynamics) (Case Example – DUI where alcohol was not involved in the prior sex crime) ; and
- Static risk factor assessment from the time of the original sex crime conviction is low (obtain risk assessment from original sex offense-specific evaluation¹⁹ at the time of the sex crime conviction, **or** re-create the risk assessment using a standardized static risk assessment instrument based upon a file review that contains sufficient information, as it would have been from the time of original sex crime); and
- Low, moderate, or high current dynamic risk factor assessment for any type of criminal re-offense, but low dynamic risk factor assessment for sexual re-offense based upon current evaluative review utilizing the Stable 2007; and
- For cases involving a Failure to Register (FTR) charge, Option B may be considered if the listed evaluator deems the FTR to have lower levels of intentionality (e.g. FTR based on the belief that registration was no longer necessary rather than a deliberate attempt to avoid accountability).

¹⁷ A violent crime is a crime that is defined by Colorado statute as a violent crime, **or** if the listed evaluator believes the nature of the behavior is violent despite the crime of conviction not being identified as a violent crime, the listed evaluator may consult definitions of violence in standardized risk assessment measures (e.g., VRAG, SAVRY, Static 99-R, etc.) for application of this item.

¹⁸ See footnote 15.

¹⁹ Listed evaluators can consider risk assessments completed at the time of the original sex crime adjudication, or may be able to recreate a static risk assessment based upon a file review, but should also keep in mind the limits on the validity of older evaluations and risk assessments (see for example the Association for the Treatment of Sexual Abusers Practice Guidelines and the two year time limit in Colorado statute (16-11-102 C.R.S.)).

Evaluation Guidelines and Interventions Option Matrix for Sexual Offenders Who Meet the Definition Based Upon a Current Non-Sex Crime and A History of Sex Crime Adjudication (Including Deferred Sentences and Factual Basis Cases) Prior to Age 18:

Recommendations:

- Recommend non-sexual, other type of treatment (e.g. anger management²⁰, medical evaluation, or substance abuse)
- Supervised in a manner like regular non-sex offender probation
- No additional terms and conditions for sex offender supervision

²⁰ Please note that per the Domestic Violence Offender Management Board, anger management is not an appropriate recommendation for a domestic violence related offense.

Option C (Additional assessment needed to determine the offender’s level of risk and treatment/supervision needs. Recommend Option A, B, D, or E upon completion, or make a determination that the ongoing assessment/treatment refresher work (Option C) was all that was needed.)

Considerations:

If all of the considerations in Options A and B are not met, then the evaluator should focus the determination on Options C, D, or E. Please note that not all of these factors must be met for a determination of Option C, and if multiple items exist, Option D may be a better recommendation. In addition, depending upon the severity of any of these items, the offender may be better served in Option D based on any one of these items.

- Self-report of successful completion of sex offense specific treatment and supervision for the original sex crime conviction, but self-report cannot be verified^{21,22}; or
- Violent²³ index crime (including crimes involving domestic violence); or
- Index crime contains dynamics/components that are similar in nature to the precursors of the original sex crime behavior but is not sexual in nature (index offense has no sexual motivation/dynamics) (Case Example – original sex crime consisted of significant grooming/manipulation, and index crime is fraud); or Static risk factor assessment from the time of the original sex crime conviction is moderate or high (obtain risk assessment from original sex offense-specific evaluation at the time of the sex crime conviction, **or** re-create the risk assessment using a standardized static risk assessment instrument based upon a file review that contains sufficient information, as it would have been from the time of original sex crime); or
- Moderate or high current dynamic risk factor assessment for sexual re-offense based upon the current evaluative review utilizing the Stable 2007; or
- For cases involving a Failure to Register (FTR) charge, Option C may be considered if the listed evaluator deems the FTR to have higher levels of intentionality (e.g. FTR based on a deliberate attempt to avoid accountability rather than the belief that registration was no longer necessary); or

²¹ Listed evaluators must document all unsuccessful efforts taken to obtain prior treatment records before accepting offender self-report without substantiation.

²² Consider the length of time between the original sex crime and the index offense. Research on adult sexual offenders suggests that the longer the offender remains offense free post-sex crime, the lower the expected recidivism rate (Harris, A, Phenix, A., Hanson, R.K., & Thornton, D. (2003). Static-99 Coding Rules Revised - 2003).

²³ A violent crime is a crime that is defined by Colorado statute as a violent crime, **or** if the listed evaluator believes the nature of the behavior is violent despite the crime of conviction not being identified as a violent crime, the listed evaluator may consult definitions of violence in standardized risk assessment measures (e.g., VRAG, SAVRY, Static 99-R, etc.) for application of this item.

Evaluation Guidelines and Interventions Option Matrix for Sexual Offenders Who Meet the Definition Based Upon a Current Non-Sex Crime and A History of Sex Crime Adjudication (Including Deferred Sentences and Factual Basis Cases) Prior to Age 18:

- Presence of significant denial related to the original sex crime conviction; or
- Presence of deviant sexual arousal/interest during the current evaluative review²⁴ per plethysmograph assessment, VRT assessment, or offender self-report.

Recommendations:

- Specialized sex offender probation supervision, which could be changed to supervision in a manner like regular non-sex offender probation after completion of Option C if the offender is not recommended for Option D
- Additional terms and conditions for sex offender supervision with the exception of not being precluded from contact with own child, if Judge so orders. These supervision conditions could be waived upon completion of Option C if the offender is not recommended for Option D.
- Additional assessment process to include sex history disclosure process, polygraph, and time-limited treatment refresher work (see Appendix B)
- Ongoing assessment of suitability of contact with own child, if applicable, including consultation with any treatment provider working with the child (if there is one), and modification if needed
- Assessment of deviant sexual arousal/interest, if present, for possible treatment refresher work on arousal/interest management, or other intervention needs
- Listed provider should use a modified written agreement with offender so that the offender understands what is being expected in treatment
- For offenders in significant denial, Option C can be used to attempt to overcome resistance to treatment and denial issues, but if denial cannot be overcome then Option E should be considered
- If the index offense is a domestic violence offense, assess to determine if treatment needs are sex offense or domestic violence specific, or combination of the two. In addition, the harm to the child of a parent engaging in domestic violence behavior should be considered in determining whether to limit contact between the offender and his/her own child(ren).

²⁴ Listed evaluators can consider plethysmograph or VRT assessments completed at the time of the original sex crime adjudication, but should also keep in mind the limits on the validity of older evaluations and risk assessments (see for example the Association for the Treatment of Sexual Abusers Practice Guidelines and the two year time limit in Colorado state statute (16-11-102 C.R.S.).

Evaluation Guidelines and Interventions Option Matrix for Sexual Offenders Who Meet the Definition Based Upon a Current Non-Sex Crime and A History of Sex Crime Adjudication (Including Deferred Sentences and Factual Basis Cases) Prior to Age 18:

- Offender could be referred to option D either during or upon completion of Option C, or could be deemed to have met the treatment requirement upon completion of Option C
- Listed provider should prepared a written discharge summary upon completion of Option C with updated recommendations that note any change in risk assessment

Option D (Sex offense specific treatment and supervision with all of the required Terms and Conditions.)

Considerations:

- Did not successfully complete sex offense specific treatment (including insufficient out-of-state treatment, or never having been in treatment) and supervision (e.g. revocation) for the original sex crime conviction, but self-report cannot be verified²⁵; or
- Index crime is sexual in nature (index crime has sexual motivation/dynamics); (Case Example – Burglary that involved stealing women’s undergarments.); or
- For cases involving a Failure to Register (FTR) charge, Option D may be considered if the listed evaluator deems the FTR to have higher levels of intentionality (e.g. FTR based on a deliberate attempt to avoid accountability rather than the belief that registration was no longer necessary); or
- Presence of deviant sexual arousal/interest during the current evaluative review²⁶ per plethysmograph assessment, VRT assessment, or offender self-report; or
- Presence of pedophilia (exclusive type), psychopathy, sexual sadism²⁷, or Sexually Violent Predator status.

Recommendations:

- Specialized sex offender probation supervision
- Additional terms and conditions for sex offender supervision including no contact with the offender’s own child unless a Child Contact Assessment determines such contact is appropriate
- Sex offense specific treatment, as well as any other specific treatment and intervention recommendations by the listed evaluator, as applicable
- Assess for current treatment needs and address in treatment plan (only cover needed treatment areas and not necessarily have the offender start over in treatment)

²⁵ Listed evaluators must document all unsuccessful efforts taken to obtain prior treatment records before accepting offender self-report without substantiation.

²⁶ Listed evaluators can consider plethysmograph or VRT assessments completed at the time of the original sex crime adjudication, but should also keep in mind the limits on the validity of older evaluations and risk assessments (see for example the Association for the Treatment of Sexual Abusers Practice Guidelines and the two year time limit in Colorado state statute (16-11-102 C.R.S.).

²⁷ Listed evaluators can consider past diagnoses of pedophilia, psychopathy, and sexual sadism, but should confirm the original diagnosis during the current evaluative review.

Evaluation Guidelines and Interventions Option Matrix for Sexual Offenders Who Meet the Definition Based Upon a Current Non-Sex Crime and A History of Sex Crime Adjudication (Including Deferred Sentences and Factual Basis Cases) Prior to Age 18:

- Treatment plan should be created based upon the potential length of sentence to maximize treatment gains, including specific plans for handling sex history and maintenance polygraph assessments
- Upon completion of Option D, a discharge summary should be prepared outlining treatment plan completion and remaining areas that could not be addressed based on sentence length limitations. This would not be considered a successful completion of sex offense specific treatment but would be an administrative completion (completed the goals as prescribed).

Option E (Recommend that offender is not appropriate for community-based sex offender specific treatment or supervision.)

Considerations:

- No motivation for treatment
- Refusal to participate in treatment
- No amenability to treatment
- High level of denial (unwillingness to cooperate despite having been given the opportunity to participate in Option C)
- History of multiple treatment failures
- Not treatable
- No motivation to change
- Presence of high level of risk on static²⁸ or dynamic risk measures utilizing the Stable 2007
- Presence of pedophilia (exclusive type), psychopathy, sexual sadism²⁹, or Sexually Violent Predator

Recommendations:

- Not appropriate for community based sex offense specific treatment
- Not appropriate for community supervision and should be referred back to the court for possible modification of sentence

Risk may or may not be known, and risk for sexual re-offense may be high

²⁸ Listed evaluators can consider risk assessments completed at the time of the original sex crime adjudication, or may be able to recreate a static risk assessment based upon a file review, but should also keep in mind the limits on the validity of older evaluations and risk assessments (see for example the Association for the Treatment of Sexual Abusers Practice Guidelines and the two year time limit in Colorado state statute (16-11-102 C.R.S.)).

²⁹ Listed evaluators can consider past diagnoses of pedophilia, psychopathy, and sexual sadism, but should confirm the original diagnosis during the current evaluative review.

Appendix A: Interview for People who Previously Completed Offense Specific Therapy

1. Please provide the details of the offending
2. Who was responsible for the offending and how?
3. Explain what victim impact means.
4. What was the victim impact in the offending?
5. Who else was impacted by the offending and what was that impact?
6. Explain what objectification, or treating someone as an object, means.
7. How do you handle objectification, or treating someone as an object?
8. Explain your offending chain, please include
 - a. Your thoughts and feelings prior to the offending, during the offending, and after the offending
 - b. The techniques that you used to set up your victim
 - c. The offending plan
 - d. Any force/coercion you used with your victim
 - e. The justifications/rationalizations (cognitive distortions/thinking errors) that you used throughout the offending chain
 - f. Types of denial that you utilized
 - g. Exits or coping tools you have to address each stage of the offending chain
9. What factors (situations, moods, thoughts etc) could put you at risk?
10. What coping tools do you have in place for these risk factors?
11. Who is in your support system?
12. What is your relapse prevention plan, including
 - a. What were your biggest risk factors at the time of the offending and how do you address those now
 - b. How would your support system recognize that you might be at risk and how could they address that with you?
 - c. What situations are risky for you and how do you avoid those?

Appendix B: Evaluative Domains/Additional Assessment and Time-Limited Treatment Refresher Work Areas for Option C

The following is a list³⁰ of potential evaluative domains/additional assessment and time-limited treatment refresher work areas for use with sexual offenders who meet the definition based upon a current non-sex crime and a history of a sex crime conviction or adjudication. Option C can be accomplished either in group and/or individual therapy sessions depending upon the needs of the offender and the available resources of the treatment agency.

1. Offending chain including risk factors (red flags, triggers, etc.)
2. Pro-social relationship development (support system)
3. Support system development
4. Relapse prevention
5. Empathy development and victim impact
6. Coping skills
7. Problem solving skills and decision making
8. Mood management
9. Boundaries
10. Healthy sexuality (quality of) and intimate relationship development
11. Vocational skills/adaptive skills

³⁰ The list is based upon the dynamic risk factors addressed in the STABLE-2007.