

# CRITERIA FOR REDUCTION IN LEVEL OF SUPERVISION WHILE ON PROBATION AND DISCHARGE FROM PROBATION

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## Lifetime Reduction on supervision and discharge (successful termination) S 3.000

In accordance with C.R.S. 18-1.3-1008(3)(a), when determining whether to discharge a sex offender probationer from probation the court shall consider the recommendations of the probationer's probation officer and treatment provider. These criteria may be used to assist in making decisions concerning reduction of the level of supervision and discharge from supervision. The criteria should assist the Community Supervision Team to assess whether the probationer has demonstrated that (s)he would not pose an undue threat to the community if placed on a lower level of supervision while on probation. The probationer must meet the reduction in supervision criteria in each of the following areas of focus listed below. A primary area of consideration for a reduction in level of supervision or discharge from supervision is progression through the phases of Sex Offender Intensive Supervision (SOISP) to Regular Probation (Non-SOISP). For criteria that refer to reduction in levels of supervision while on Sex Offender Intensive Supervision Probation, please refer to the *Standards for Probation in Colorado* developed by the Colorado Judicial Department.

The Community Supervision Team has considered the criteria and any relevant additional information to make any determinations regarding movement to a lower level of supervision or a successful discharge from supervision.

### A. Progression in Treatment

**Reduced Supervision** as indicated by treatment provider: The treatment provider shall base recommendations for reduced supervision on the following indicators of progress in treatment.

- Able to reflect treatment concepts and apply what (s)he has learned in daily life
- Decrease in risk level and any existing criminogenic needs as indicated by validated risk assessment
- Protective factors outweigh risk factors
- Accepts full responsibility of the sexual offense behavior(s)
- Ability to demonstrate accountability
- Completion of Pro-Social Living plan and concepts are applied regularly
- Sustained ability to integrate treatment concepts and tools (e.g., Pro-Social Living Plan) into daily life
- Maintain increased intrinsic motivation to continue treatment
- No violations of the treatment contract or probation terms and conditions for 6 months
- Demonstrates increased awareness of victim impact/harm caused to the victim and the community and has an enhanced development of victim empathy.
- Ability to interrupt or decrease harmful, illegal, and abusive sexual interests utilizing treatment tools.
- Demonstrates ability to recognize and correct thinking errors.
- Meets SOMB Standards and Guidelines for polygraph criteria. Continues to disclose information prior to or during polygraph examinations. **Please note: the results of the polygraph cannot be**

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**used to dictate regression or progression. Only disclosures within the polygraph can be used to inform decision making for a reduction in level of supervision.**

- Demonstrate the ability to express emotions appropriately without aggression.
- Full and consistent compliance with any medication requirements.
- Regular attendance and active participation in sex offense-specific treatment.
- Assessed low or moderate low risk on a validated risk assessment.

### **B. Compliance with Conditions of Supervision**

**Reduced Supervision:** Consideration for progression to a lower level of supervision should be based on overall demonstration of behavior sex offender's attitude, progress, participation and consistent compliance with all conditions

- Able to reflect treatment concepts and apply what (s)he has learned in daily life
- Is open to discussing the offense and treatment progress.
- Absent technical violations within the last 6 months of probation related to the pro-social living plan.
- No alcohol or drug use at least 6 months preceding a supervision reduction.
- No unauthorized contact with the victim(s) or with minors.
- Full compliance with requirements for registration and DNA Genetic Marker collection.
- Consistent payment of restitution and fines imposed by the court.
- Maintains probation and other related appointments and is generally on time.

Additionally, the CST should incorporate validated risk assessment when considering a reduction in level of supervision and or discharge. Factors to consider include but are not limited to:

### **Sexuality and Risk Responsibility**

1. Sexual Offense Responsibility
2. Sexual Behavior
3. Sexual Attitudes
4. Sexual Interests
5. Sexual Risk Management

### **Criminality**

6. Treatment and Supervision Cooperation
7. Criminal and Rule-Breaking Attitudes
8. Stage of Change

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9. Cooperation with Treatment

10. Cooperation with Community Supervision Criminal and Rule-Breaking Behavior **Self-Management**

11. Emotion Management

12. Problem Solving

13. Impulsivity

### **Social Stability and Supports**

14. Employment

15. Residence

16. Social Influences

### **C. Consistency between Words and Behavior**

**Reduced Supervision:** The probationer can identify inconsistencies in his or her words and behavior and makes attempts to correct them. The probationer is transparent with words and actions and there are no secretive or manipulative behavior(s). The probationer demonstrates evidence of consistency in what is said to the members of the community supervision team and their behavior(s). The CST should observe consistent positive behavior change and risk reduction as indicated through the SOTIPS and other dynamic risk assessments as well as enhanced protective factors.

### **D. Appropriate Peer Relationships and Community Support**

**Reduced Supervision:** The probationer recognizes and terminates unhealthy anti-social or non-supportive relationships. The probationer has established some appropriate pro-social relationships and community support. This may include a community chaperone or community support person if deemed necessary by the community supervision team. In a situation where the probationer or is in an intimate relationship, the partner or significant other must be supportive of the requirements of treatment and supervision incompatible with re-offense behavior(s). The spouse, partner or community support person must be willing to participate in treatment and sex offense-specific education as needed. Significant other(s) and those living with the probationer should be aware of the probationer's criminal history and level of sex offense responsibility including the current offense and have knowledge and awareness of the probationer's risk to children and potential victims.

Probation Officers are expected to follow all Release of Information requirements set forth by the Colorado Judicial Branch.

### **E. Stable and Safe Residence**

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**Reduced Supervision:** The probationer shall maintain a stable, safe and satisfactory residence. A safe residence is one that limits the probationer's contact with victims, potential victims and minors given minors are a risk factor. The probationer's partners or roommates are aware of the probationer's criminal history including the current offense and have knowledge and awareness of the probationer's risk to children and potential victims.

### **F. Stable and Safe Employment**

**Reduced Supervision:** The probationer shall demonstrate the ability to maintain stable, satisfactory and safe employment. Safe employment limits contact with victims and potential victims and allows the supervising officer to consistently locate the probationer.

### **G. Substance Abuse Treatment**

This criteria applies only to those probationers who are evaluated and recommended for substance abuse treatment.

**Reduced Supervision:** The probationer has entered into and participating in and or completed a recommended substance abuse treatment program. The probationer has not used drugs or alcohol for at least 6 months prior to any reduction in level of supervision.

### **H. Leisure Activities**

Leisure activities engaged in or developed within the community shall be pro-social, appropriate, legitimate, legal and supportive to the probationer. Appropriate leisure activities limit contact with victims and potential victims. The leisure activities should be prosocial and enhance protective factors.

**Reduced Supervision:** Consideration for progression to a lower level of supervision will be based on probationer's engagement and participation in prosocial activities supportive of positive behavior change and supports/enhances protective factors while further reducing any risk factors.

### **Discharge Criteria:**

**Discharge:** In any case when an probationer is being considered for recommendation of successful discharge from lifetime supervision, the probationer must demonstrate that he or she would not pose an undue threat to the community if allowed to live in the community without supervision. The team considers all information below and other appropriate information to make any determination regarding successful discharge from lifetime supervision. All team members must agree to the discharge from supervision.

The supervising officer will document what criteria have been met or not met at any consideration of reduction in level of supervision or discharge and the decision of the community supervision team.

*Discussion: If a probationer is consistently failing to meet criteria for progression, the team should evaluate whether the current level of supervision and treatment matches the risk and needs of the*

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*probationer. In such cases, regression to a higher level of supervision, or revocation, may be needed if the risk and needs indicates an increase in services. In some cases a probationer may not meet criteria due to health limitations; however a discharge from supervision is appropriate. The probation officer should document any criteria that has not been met and rationale for the discharge from supervision.*

For discharge from probation, the treatment provider must be reporting successful termination of treatment or successful progress in treatment to date and actively recommending discharge from probation. (Successful completion indicates active, consistent practice of a Pro-Social Living Plan and treatment aftercare program. Successful progress indicates ongoing positive behavior change and consistent progress in treatment.