

Community Notification



Fort Collins Police Services



National Sex Offender Legislation

- **Jacob Wetterling Act, 1994-** requires states to establish sex offender registration for convicted offenders and a system to track them.
- **Megan's Law, 1996-** requires states to inform community residents about the presence of convicted sex offenders in their neighborhoods.
- **Pam Lychner Act, 1996-** amended the Wetterling Act by mandating lifetime registration for some sex offenders, and mandating a National Sex Offender Registry.

Colorado Sex Offender Legislation

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

Community Notification in Colorado

Occurs in two ways in Colorado:

Passive: through the sex offender registration process;
or

Active: via Community Notification. Only those offenders who are determined to be **Sexually Violent Predators (SVPs)** are subject to Active Notification.

How an SVP is Determined

- What is a **Sexually Violent Predator**?
- This is a **legal** term, not a **descriptive** term.
- To be qualified to complete the SVP assessment, the offender **FIRST** must meet the date, time and relationship criteria as follows:

How an SVP is Determined

AGE: They must be 18 years or older as of the date the offense was committed; **or** less than 18 years of age as of the date the offense was committed but tried as an adult.

DATE: The offender must have been convicted on or after July 1, 1999 of one of the following offenses or of an attempt, solicitation, or conspiracy to commit one of the following offenses committed on or after July 1, 1997:

- Sexual Assault

- Unlawful Sexual Contact

- Sexual Assault on a Child

- Sexual Assault on a Child/Position of Trust

RELATIONSHIP: The victim of the offense was a stranger to the offender or a person with whom the offender established or promoted a relationship primarily for the purpose of sexual victimization.

How an SVP is Determined

SVP Risk Assessment Screening Instrument:

“Positive” results of a risk assessment along with previously mentioned criteria will result in an offender being deemed an SVP.

Assessment includes: an assessment for the presence of mental abnormality; level of denial regarding the offense; treatment appropriateness and motivation; and presence of sexually deviant interests.

The assessment is administered by probation/parole staff and a qualified treatment evaluator approved by the Sex Offender Management Board (SOMB).

SVP and Community Notification

If the offender meets all criteria, then:

Probation/Department of Corrections recommends that the Court/Parole Board designate the offender an SVP.

If an SVP status (or its equivalent) is designated by another state or jurisdiction, then the offender's SVP status continues locally.

ALL designated SVP's are subject to Community Notification.

SVP and Community Notification

Overview of Community Notification:

- 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/> - State of Colorado Website

<http://www.sotar.us> – Fort Collins Website

Sex Offender Myths

Myth: The majority of sex offenders are in prison.

Fact: The majority of sex offenders are not caught or detected.

Myth: Most sex crimes are reported.

Fact: Over 80% of sex crimes go UNREPORTED.

Sex Offender Myths

Myth: You can “spot” a sex offender.

Fact: There is no typical sex offender. All tend to be deceptive, manipulative, and secretive.

Myth: Most sex offenders have a long rap sheet.

Fact: Many sex offenders have NO criminal history.

Myth: Sex crimes are acts of impulse.

Fact: Studies show 75% of sex offenses are carefully planned. (When three or more assailants are involved, the number climbs to 90%.) (WebMD feature March 27, 2000 Berkeley, CA)

Sex Offender Myths

Myth: Sexual assaults occur in dangerous places.

Fact: A study conducted by the Colorado Department of Corrections indicated that 85% of sex offenders reported having committed the sex crime at their own residence or at the victim's residence.

Myth: Most sex crimes are committed by a stranger.

Fact: 93% of child sex abuse victims know their abusers. (Department of Justice, 2000)

Sex Offender Myths

Myth: Most victims “ask for it”.

Fact: Sex offenders use power and control to dominate and humiliate their victims.

Myth: Victims who suffer no OBVIOUS PHYSICAL injury are not seriously traumatized by their experience.

Fact: Only about 4% of rape victims sustained serious physical injuries as a result of the rape. 70% reported no physical injuries. ALL victims suffer.

Sex Offender Characteristics

- Most sex offenders engage in CROSSOVER behavior.
- Offenders may be caught for one type of offense and be at a high risk to commit another type.
- Most sex offenders are male. Female offenders account for less than 10% of these cases. (FBI 2006)
- Crime of conviction is only one indicator of risk.
- Child molesters in Colorado who re-offend sexually did not live closer to schools or daycare centers than those who did not re-offend. (Colorado Department of Public Safety 2004)

Stranger Danger?

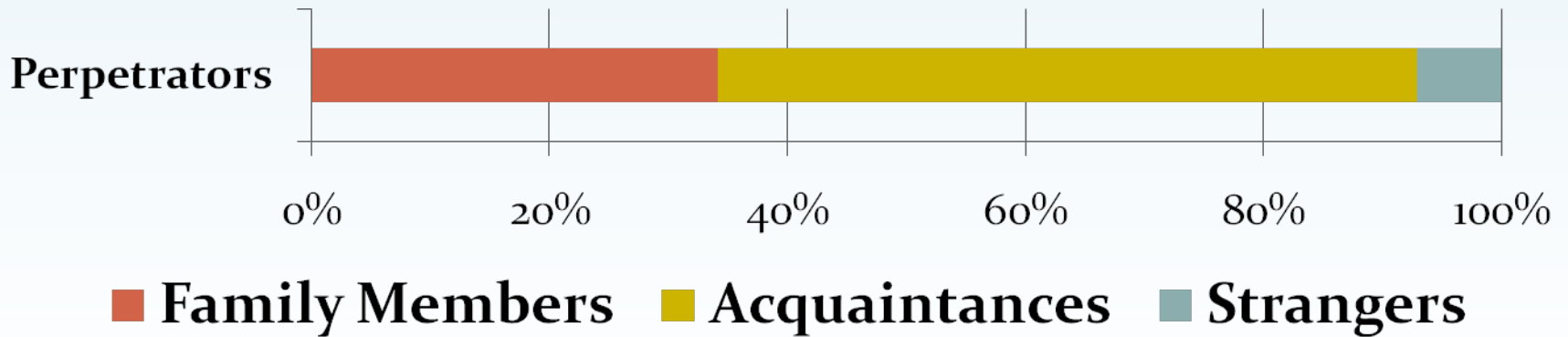
Abductions in the United States:

- U.S. Census estimates there were 74,000,000 children age 17 and under in the U.S. in 2003.
- 47 children, or 0.00015%, were abducted by strangers in 2000. (U.S. Department of Justice- NISMART, OJJDP, October 2002)

Stranger Danger?

In **90%** of the rapes of children less than 12 years old, **the child knew the offender** according to police-recorded incident data.

US DOJ, Bureau of Justice Statistics 1/97 NCJ 163392



US DOJ, Bureau of Justice Statistics, 2000

Alcohol and 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 incapable”, unconscious, or incapable of appraising the nature of their actions.

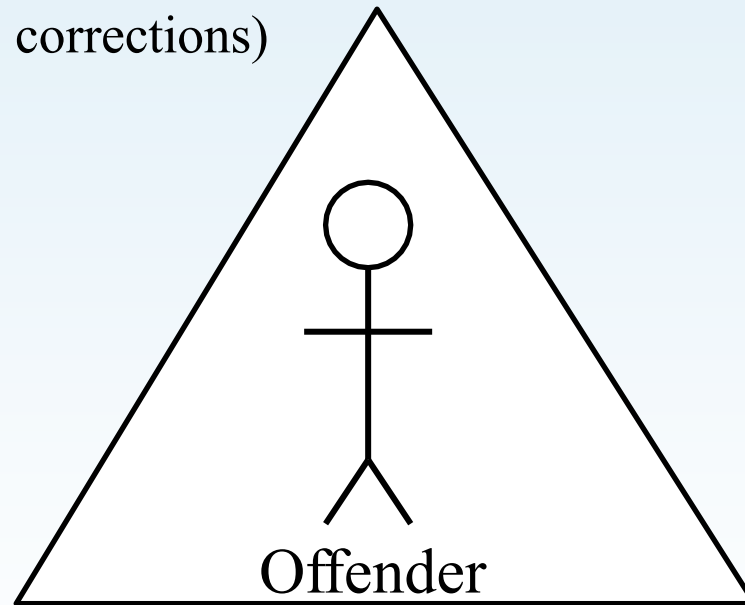
(C.R.S. 18-3-402)

Community Supervision

- There is no cure for sex offenders; however, like any behavioral choice, they can learn new behaviors and skills and SOME can be safely managed in the community.
- Most sex offenders in Colorado are supervised by the Criminal Justice System in the community.
- PO's set conditions, monitor behavior, and impose sanctions.
- Sex offenders must waive confidentiality for treatment and case management purposes.
- Secrecy undermines rehabilitation and threatens public safety.
- Sex offenders must be completely accountable for their behavior and must agree to intensive and intrusive measures.

Containment Approach

Criminal Justice Supervision
(probation, parole, community corrections)



Sex Offender Treatment

**Polygraph
Examiner**

Community Responsibility

- The Community has a vested interest in helping the offender be successfully managed in the Community.
- Harassment is counterproductive to the goals of Community Management and may cause the offender to go underground.
- Sex offenders have the same need for housing and employment as other citizens.

Community Responsibility

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

Community Protection and Safety Issues

SVP's do NOT represent all dangerous sex offenders, and the Community Notification process is not a complete deterrent to sexual assault.

Community Protection and 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 harass or visit offender's home or yard.
- Teach your children to TELL A SAFE ADULT if anyone acts inappropriately towards them (ex: creepy, too friendly, threatening, etc.).

Community Protection and 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

Impact on Victims of Sex Offenses

- Victims may exhibit many different responses: crying, angry, quiet, withdrawn. There is no “normal” response.
- Sex assault by someone known to the victim creates a more difficult recovery.
- Victims often develop post traumatic stress disorder.
- Long term effects include: depression, anxiety, eating disorders, flashbacks, divorce, loss of sexual interest, loss of concentration, sleeping disorders, and 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 three 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. (Windom 1995)
- **Responses are minimized when victims are believed and supported.**

Subject of Notification

Benjamin Howard Weir

Date of Birth: 12/29/1981



Weir's Incident History

- Date of Offense: July 3rd, 2002
- 04/11/2003: Weir pleads guilty to Attempted Sexual Assault on a Child-Position of Trust; sentenced to 3 years in Department of Corrections, with a 10-year parole to follow.
- 05/07/2003: Arrived at Department of Corrections
- 04/03/2005: Released to Parole Supervision
- 05/12/2006: Revoked to Prison
- 04/2008: Was designed a Sexually Violent Predator by the Parole Board
- 04/15/2014: Released to Parole Supervision
- 06/17/2014: Revoked to Prison
- 08/12/2016: Released from Prison
- 09/11/2017: Arrived at Department of Corrections
- 08/02/2023: Released to Parole Supervision

Weir's Behavior Profile

- During Weir's SVP psychosexual evaluation, it was determined that:
 - The lack of responsibility that he has demonstrated is noteworthy;
 - He is in denial regarding his sexual drive and interest;
 - Weir's consistent criminal behavior, the type of offenses he has committed, and his current lack of responsibility related to his present offense presents a high risk for ongoing criminal behavior which may likely include additional sexual offenses.

Weir's Past Criminal History

- 06/14/2001: Convicted of Aggravated Motor Vehicle Theft
- 03/01/2002: Convicted on Drug charges
- 04/11/2003: Convicted of Sexual Assault on a Child-Position of Trust; Contributing to the Delinquency of a Minor; Probation was revoked and sent back to Department of Corrections on 05/12/2006.
- 04/15/2014: Convicted of Possession of a Weapon by a Previous Offender.
- 04/10/2017: Convicted of Vehicular Eluding; Felony Menacing

Weir is Considered an SVP Because...

Criteria #1: AGE

The offender must have been 18 at the time of the offense or been tried as an adult.

This offender: Weir was 21 at the time of the first offense.

Weir is Considered an SVP Because...

Criteria #2: DATE

The crime must have been committed on or after July 1, 1997, and the offender must have been convicted on or after July 1, 1999 of one of the following offenses (includes attempts, conspiracies and solicitations):

- A. Sexual Assault
- B. Unlawful Sexual Contact
- C. Sex Assault on a Child
- D. Sex Assault on a Child/Position of Trust

This offender:

Weir's crimes were committed on July 3rd, 2002, and he was convicted April 11th, 2003.

Weir is Considered an SVP Because...

Criteria #3: RELATIONSHIP

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.

This offender: The victim was known to Weir.

Weir is Considered an SVP Because...

RISK ASSESSMENT RESULTS:

Weir was evaluated and was found to have “positive” results on the risk assessment instrument by the Parole Board with Department of Corrections; therefore, he was ruled to be a Sexually Violent Predator.

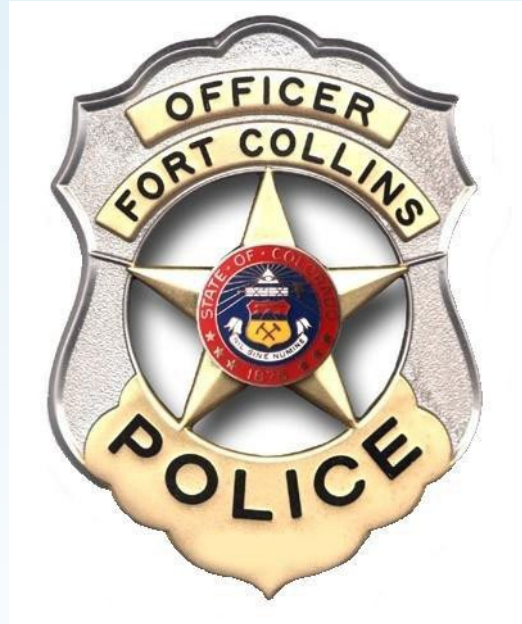
Weir Registration Requirement

All SVP's must register with law enforcement:

- Quarterly;
- For their entire life;
- Disclosing any Internet identifiers and e-mail addresses.

The SVP's residence must be verified quarterly by the Police Department.

Community Notification



Informed communities are safer communities