

# MEMO

**To:** Darrel Guadnola, Chief of Police  
**From:** Greg Sadar, Deputy Chief  
**Subject:** CUP Restriction for Core Civic  
**Date:** Thursday April 6, 2023

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In mid-November of 2022, the Police Department was advised by Community Development that Core Civic was being asked to update their CUP. Historically, there have been a number of restrictions the City has placed on this community correctional facility as part of their land use application. The police department objected and continues to object to lifting the restriction on housing convicted sex offenders.

Core Civic has been a great neighbor and business partner and we anticipate their good work would continue. However, if Core Civic were to make the business decision to start housing convicted sex offenders it would create the following:

- An adverse effect on the community.
- An undue burden on City services.

These two effects would manifest in a number of ways. The Commerce City police department, by function of law, is required to register and de-register all sex offenders who reside in the City. Currently the City is home to 167 registered offenders. If Core Civic were to change its population to serve some or all sex offenders, it could potentially double the number of sex offenders the police department must register and verify each year.

If Core Civic were to start serving sex offenders, it is mathematically likely that some of those clients would be defined as Sexually Violent Predators (SVP). There are currently over 400 SVPs in the Colorado Department of Corrections (The Office of Planning and Analysis, 2022). Sexually Violent Predator (SVP) is an offender who meets the following criteria:

1. Eighteen years of age or older as of the date the offense is committed or who is less than 18 years of age as of the date the offense is committed but is tried as an adult pursuant to section 19-2-517 or 19-2-518, C.R.S.

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2. 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. a) Sexual assault, in violation of section 18-3-402, C.R.S., or sexual assault in the first degree, in violation of section 18-3-402, C.R.S., as it existed prior to July 1, 2000; b) Sexual assault in the second degree, in violation of section 18-3-403, C.R.S., as it existed prior to July 1, 2000; c) Unlawful sexual contact, in violation of section 18-3-404(1.5) or (2), C.R.S., or sexual assault in the third degree, in violation of section 18-3-404(1.5) or (2), C.R.S., as it existed prior to July 1, 2000; d) Sexual assault on a child, in violation of section 18-3-405, C.R.S.; or e) Sexual assault on a child by one in a position of trust, in violation of section 18-3-405.3, C.R.S.
3. Whose victim 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; and
4. The current revision of the risk assessment screening instrument presented valuable findings. An assessment designed to identify mental abnormalities and developed by the Division of Criminal Justice in consultation with and approved by the Sex Offender Management Board established pursuant to section 16-11.7-103(4) (c.5), C.R.S., SVPs are likely to subsequently commit one or more of the offenses listed above under the circumstances specified above.

A significant complication for the Commerce City Police Department is every SVP who resides in the City must register quarterly – not annually. Additionally, the Police Department is required by law to make a public announcement and hold a community meeting for each SVP who resides in the City. The police department would also be required to make a public announcement for every SVP who “escapes” since SVP’s have been determined by the State to be likely to reoffend. Since Core Civic is not a secure facility, when a client “walks away” the police department is required to file a misdemeanor escape charge against the offender. If a SVP were to “walk away” from Core Civic, the department would be required to launch an escape investigation and make an additional public announcement. These can be exceedingly time and resource intensive and it introduces an unnecessary and preventable danger into our community.

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There are currently other providers in the State who can provide these services (Collie, Yuanting, & Lobonov-Rostovsky, 2023). The City of Denver ended its relationship with Core Civic for political reasons, shifting over 500 Department of Corrections clients to surrounding counties (Kenney, 2019). Adams County is one of the counties who had to absorb that increase and it is likely we would have to absorb more based on additional Department of Corrections releases. Given this data, the Police Department respectfully requests Council maintain the restriction of not allowing convicted sex offenders to be housed at Core Civic’s Commerce City facility.

**TABLE 1. Colorado Department of Corrections Response**

Requirement Item	Required Data	CDOC Response
A	<b>Number of offenders evaluated in CY 2021:</b>	<b>0</b>
B	<b>Number of sexually violent predators identified in CY 2021:</b>	<b>0</b>
C	<b>Number of sexually violent predators as of December 31, 2021:</b>	<b>446</b>
	Prison	442
	Interstate Compact	3
	Community	1
	<b>Supervised on Parole (Level of Supervision):</b>	<b>128</b>
	Intensive Supervision Parole	42
	Regular Parole	68
	Out of State Parolee	18
	<b>In Custody:</b>	<b>22</b>
	INS Deportation/Detainer Out of State	12
Absconders	10	
D	<b>Average Length of Sentence (in years):</b>	
	Incarcerated Population prison sentence*	44.5
	Parole sentence average of current parolees	4.6
E	<b>CY 2021 Discharges:</b>	<b>29</b>
	From parole	13
	From prison	16

\*Excludes offenders with a life without parole sentence.

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### References

- Collie, R., Yuanting, Z., & Lobonov-Rostovsky, C. (2023). *Annual Legislative Report*. Lakewood: Sex Offender Management Board Colorado Department of Public Safety.
- Kenney, A. (2019, August 7). Hundreds in prison limbo after Denver council breaks up with halfway house operators. *The Denver Post*.
- The Office of Planning and Analysis, C. D. (2022). *Sexually Violent Predators Annual Report*. Colorado Springs: Colorado Department of Corrections.

