

# SEXUALLY VIOLENT PREDATORS

## ANNUAL REPORT



January 15, 2008

Colorado Department of Corrections  
State Judicial Department

# Sexually Violent Predators Annual Report | 2007

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January 15, 2008

**Colorado Department of Corrections**

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## **INTRODUCTION**

The State Judicial Department and the Department of Corrections jointly submit this first Annual Report on Sexually Violent Predators (SVP's). The report is prepared in accordance with the provisions implemented in House Bill 07-1172. Pursuant to section 18-3-414.5(4), C.R.S.:

On or before January 15, 2008, and on or before January 15 each year thereafter, the Judicial Department and the Department of Corrections shall jointly submit to the judiciary committees of the Senate and House of Representatives, or any successor committees, to the Division of Criminal Justice in the Department of Public Safety, and to the Governor a report specifying the following information:

- a) the number of offenders evaluated pursuant to this section in the preceding twelve months;
- b) the number of sexually violent predators identified pursuant to this section in the preceding twelve months;
- c) the total number of sexually violent predators in the custody of the Department of Corrections at the time of the report, specifying those incarcerated, those housed in community corrections, and those on parole, including the level of supervision for each sexually violent predator on parole;
- d) the length of the sentence imposed on each sexually violent predator in the custody of the Department of Corrections at the time of the report;
- e) the number of sexually violent predators discharged from parole during the preceding twelve months;
- f) the total number of sexually violent predators on probation at the time of the report and the level of supervision of each sexually violent predator on probation; and
- g) The number of sexually violent predators discharged from probation during the previous twelve months.

## BACKGROUND OF SEXUALLY VIOLENT PREDATOR (SVP) LAWS

In 1997 the Colorado General Assembly passed Senate Bill 97-84 which enacted the Sexually Violent Predator law. The statute applied to the following five enumerated offenses for persons convicted on or after January 1, 1999:

- Sexual Assault in the First Degree
- Sexual Assault in the Second Degree
- Felony Sexual Assault in the Third Degree
- Sexual Assault on a Child
- Sexual Assault on a Child by One in the Position of Trust

At that time the district attorney or the probation department had discretion to request the court to make a finding that the defendant was a sexually violent predator (“SVP”). A designation of sexually violent predator resulted in the defendant being subject to lifetime quarterly registration.

In 1998 the General Assembly clarified the SVP provisions applied only to persons 18 years of age or older on the date of offense or less than 18 years of age and tried as an adult. In addition, the definition of conviction was expanded to include a plea of guilty or a plea of nolo contendere.

In 1999 changes were made to reflect that the offense date must be on or after July 1, 1997 with a conviction date on or after July 1, 1999. The statute was changed to require the court to order a SVP risk assessment for an offender convicted of one of the 5 enumerated offenses at the time of the presentence investigation report, to make findings of fact and to enter an order concerning whether the defendant was an SVP. Also in 1999 the statute was amended to reflect that the parole board would make specific findings regarding SVP when considering release on parole for an offender convicted of one of the 5 enumerated offenses and based on results of an SVP assessment conducted by the Department of Corrections. Finally, in 1999 the General Assembly added part 9 of

Article 13 of Title 16 C.R.S. to require community notification as a consequence of a SVP finding.

In 2000 the statute was amended to reflect changes in the labeling of sexual assault statutes including the renaming of Third Degree Sexual Assault to Unlawful Sexual Contact.

In 2001 the statute was changed to transfer responsibility of the SVP assessment to the probation department at the time of the presentence report. The court was no longer required to make an order requiring the SVP assessment, only to rule whether the defendant was an SVP. Posting of sexually violent predators on the Colorado Bureau of Investigations Internet website was also included.

In 2006 the SVP statute was expanded to include attempts, solicitations, or conspiracies to commit one of the 5 enumerated offenses. “Convicted” was amended to include a defendant having received a deferred judgment and sentence. The time for conducting the SVP assessment was changed from “at the time of presentence investigation report is conducted” to “when a defendant is convicted”. The statute as amended allows a previous SVP assessment within the prior 6 months to be used or waives the requirement if the defendant has previously been designated a SVP. The parole section of the statute was expanded to require the SVP assessment not only when considering release on parole but also discharge. The legislation specifically cross-referenced the community notification statute.

In 2007 the statute was expanded to require the submission of the SVP report by Judicial and the Department of Correction to the judiciary committees of the Senate and House of Representatives, or any successor committees, to the Division of Criminal Justice in the Department of Public Safety, and to the Governor.

## **SEXUAL PREDATOR RISK ASSESSMENT SCREENING INSTRUMENT**

The Sexual Predator Risk Assessment Screening Instrument was developed in 1998 by the Office of Research and Statistics in the Division of Criminal Justice. The most recent version, dated August 2007 is provided as Attachment A.

**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 eighteen 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.
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; or
  - E. Sexual assault on a child by one in a position of trust, in violation of section 18-3-405.3.
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. Based upon the results of the most current revision of the Sexually Violent Predator Risk Assessment Screening Instrument, which includes an assessment for the presence of a mental abnormality, developed by the Division of Criminal Justice in consultation with and approved by the Sex Offender Management Board established pursuant to section 16-11.7-102 (1), C.R.S., is likely to subsequently commit one or more of the offenses specified above under the circumstances specified above.

## **CHANGES TO THE SVP ASSESSMENT SCREENING INSTRUMENT**

Only two legislative changes resulted in substantive changes to the SVP instrument. In May 2006 the specific crimes that qualified a sex offender for an SVP assessment were expanded to include inchoate crimes. In August 2007 the instrument was modified to

provide probation officers and DOC staff or contractors with direction on how to complete an assessment if the offender refuses to participate in the interview and a new section, Part 3C, was added. A score of 3 or more on this 6-item risk scale increases the probability that an offender will score in the high risk group to reoffend.

### **DATA REPORTING**

The required information is reported below by the Department of Corrections and the Division of Probation Services within the State Judicial Department. The preceding twelve month period is defined as calendar year 2007 (January 1, 2007 through December 31, 2007), unless otherwise denoted, and the population figures are reported as of December 31, representing the population at the time of the report.

### **DEPARTMENT OF CORRECTIONS RESPONSE**

The Department of Corrections implemented new information systems to identify offenders that have not previously been evaluated under the sexually violent predator provisions and capture the scoring instrument electronically. These enhancements facilitated the reporting of the information presented in the following table.

<b>Report Requirement Item</b>	<b>Required Data</b>	<b>Department of Corrections Response</b>
(a)	Number of offenders evaluated in Calendar Year 2007	592
(b)	Number of sexually violent offenders identified in Calendar Year 2007	58
(c)	Total number of sexually violent predators as of December 31, 2007:	
	Prison	330
	Community Corrections Transition	1
	Total Incarcerated Population	331
	Supervised on Parole (Level of Supervision)	
	ISP/Maximum	14
Out of State Parolee	2	
In Custody:		
County Jail/CMRC	4	
INS Deportation/Detainer Out of State	11	
Total Parole Population	31	
(d)	Average Length of Sentence:	
	Incarcerated Population (330 offenders*)	23.1 years
	Parole Population (31 offenders)	2.1 years
(e)	Calendar Year 2007 Discharges:	
	from parole	4
	from prison	15

\*Excludes one offender with a life with no parole sentence.

The Division of Adult Parole, Community Corrections and YOS is responsible to supervise offenders identified as Sexually Violent Predators (SVP) in all division programs (i.e.: residential community corrections, Intensive Supervision Program for inmates, regular parole and Intensive Supervision Program for parolees. Regardless of the program, SVP's are the most intensely supervised offenders and are managed according to the standards established by the Sex Offender Management Board pursuant to 16-11.7-101 through 106, C.R.S. Using a designed level system, each SVP is required to make daily telephonic contact, attend weekly office visits with their parole officer and mandatory curfews are established. Community Parole Officers are required to conduct home visits, employment



verifications, and staffing with the Approved Treatment Providers. Curfews are managed with electronic monitoring to include GPS, home detention and the electronic paging system. Residential program placement, following acceptance by local community boards, may also be a condition of parole. All offenders who are identified as SVP remain classified as "maximum" supervision throughout their period of parole supervision.

### **PROBATION RESPONSE**

Using E-Clipse, the State Judicial Department's case management information system, staff at the Division of Probation Services selected data associated with offenders convicted of one of the following SVP qualifying offenses for calendar year 2007 for review in preparation of this report.

- Felony 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; Misdemeanor sexual assault, in violation of 18-3-402(1)(e). ("At the time of the commission of the act, the victim is at least fifteen years of age but less than seventeen years of age and the actor is at least ten years older than the victim and is not the spouse of the victim.")
- Felony sexual assault in the second degree, in violation of section 18-3-403; C.R.S. as it existed prior to July 1, 2000;
- Felony unlawful sexual contact, in violation of section 18-3-404(1.5) or (2), C.R.S., or felony 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;
- Felony sexual assault on a child, in violation on section 18-3-405; or
- Sexual assault on a child by one in a position of trust, in violation of section 18-3-405.3.

<b>Report Requirement Item</b>	<b>Required Data</b>	<b>State Judicial Response</b>
(a)	Number of offenders evaluated in Calendar Year 2007	596
(b)	Number of sexually violent offenders identified in Calendar Year 2007	106
(f)	Total number of sexually violent predators with a sentence to probation as of December 31, 2007 *  <b>Level of Supervision:</b>  Sex Offender Intensive Supervision Probation (SOISP) Level of Supervision Administrative SOISP Level Regular Probation Administrative Level Non-SOISP Supervision Level	20    6  10 3 1
(g)	Number of sexually violent predators discharged from probation during the previous 12 months	22

\*Probationers in the State of Colorado are assessed for risk to reoffend and to assist in case management planning. Supervision guidelines and strategies are developed for each offender based on identified risk and strengths. Levels of supervision have been developed. Each supervision level has anticipated probation contacts, goals and outcomes. Some of these cases have a DOC sentence to be followed with probation supervision.

Between January 1, 2007 through December 31, 2007, 596 adults convicted of one of the five (5) qualifying sexually violent predator crimes were evaluated/assessed as a sexually violent offender. Of those offenders assessed, the court made a finding of SVP for 106 offenders.

As of December 31, 2007 there were 20 adult sex offenders identified as sexually violent predators and serving a probation sentence.

There have been 22 offenders identified as sexually violent predators discharged from probation in 2007. Of these, 5 offenders were revoked for a new felony; 13 offenders were

revoked for technical probation violations; 1 offender died; 1 offender absconded (a warrant has been issued and remains outstanding); and 2 offenders terminated probation.

The sex offender intensive supervision program (SOISP) is designed to provide the highest level of supervision to adult sex offenders who are placed on probation. Sex offending behavior is a life-long problem in which the goal is not “curing” the offender, but rather management or control of the assaultive behavior. The goal of intensive supervision for sex offenders is to minimize the risk to the public to the greatest extent possible. The State of Colorado has adopted a model of containment in the supervision and management of sex offenders. Depending on the offender, elements of containment may include severely restricted activities, daily contact with an offender, curfew checks, home visitation, employment visitation and monitoring, drug and alcohol screening, and/or sex offense specific treatment to include the use of polygraph testing. SOISP consists of three phases, each with specific criteria that must be met prior to a reduction in the level of supervision.

Administrative probation cases are active cases, however, they do not receive direct services at the current time. Examples of an administrative case may include an offender who is in the Department of Corrections, jail or work release as a condition of probation, or may have moved out of state.

## **SUMMARY**

The Department of Corrections and State Judicial continue to collaborate to ensure proper exchange of information and identification of offenders falling under the statutory provisions for sexually violent predators. Each agency continues to improve their internal information systems to facilitate more accurate tracking and monitoring of the SVP process.

## APPENDIX A

### Colorado Sexually Violent Predator Assessment Screening Instrument (SVPASI)

# COLORADO SEXUALLY VIOLENT PREDATOR ASSESSMENT SCREENING INSTRUMENT(SVPASI)

## Pursuant to 18-3-414.5, C.R.S.

*This assessment must be completed for all adult cases convicted on or after July 1, 1999 for specific sex crimes—including attempt, solicitation or conspiracy to commit those crimes—on or after July 1, 1997. The completed assessment must accompany the pre-sentence report and the mental health sex offense specific evaluation submitted to the court/parole board. According to 18-3-414.5(2) and (3), C.R.S.: “Based on the results of such assessment, the court/parole board shall make specific findings of fact and enter an order” concerning whether the defendant is a sexually violent predator. This assessment instrument combines empirical research conducted by the Division of Criminal Justice (Part 3) with additional criteria specified by the Colorado Sex Offender Management Board (Part 2). Please see the SVP Handbook for additional information and instructions.*

## ASSESSMENT SUMMARY:

**Probation officers or trained DOC staff/contractors, based on the information provided on the following pages, please check the boxes that apply. Checks in boxes I, II, III and IVa or IVb or IVc indicate that the offender satisfies the legislative criteria for the definition of sexual predator pursuant to 18-3-414.5(1), C.R.S.**

- (I) The defendant is 18 years of age or older or has been tried as an adult, and has been convicted of, or received a deferred judgment and sentence for, one of the five crimes defined in Part 1, pursuant to 18-3-414.5 C.R.S., as revised to include attempt, solicitation, or conspiracy. **AND**
- (II) The conviction occurred on or after July 1, 1999 for a crime committed on or after July 1, 1997, pursuant to 18-3-414.5., C.R.S. **AND**
- (III) The victim was a stranger to the offender (Part 2A), **OR** the defendant established a relationship primarily for the purpose of sexual victimization (Part 2B), **OR** the defendant promoted a relationship primarily for the purpose of sexual victimization (Part 2C), pursuant to 18-3-414.5, C.R.S. **AND**
- (IVa) The defendant scores 4 or more on the Sex Offender Risk Scale (SORS, Part 3A), pursuant to 18-3-414.5 and 16-11.7-103(4)(c.5), C.R.S. **OR**
- (IVb) Meets additional risk criteria (Part 3B), pursuant to 16-11.7-103(4)(c.5), C.R.S. **OR**
- (IVc) The defendant scores 3 or more on Part 3C.
- YES, the offender DID meet SVP Criteria.**
- NO, the offender DID NOT meet SVP Criteria.**

## COURT/PAROLE BOARD FINDING:

**18-3-414.5(2), C.R.S. states: “Based on the results of such assessment, the court/parole board shall make specific findings of fact and enter an order concerning whether the defendant is a sexually violent predator.” Probation officer or trained DOC staff, based on the court’s/ parole board’s decision, please check the box that applies.**

- The court/parole board finds this offender to meet the criteria specified in 18-3-414.5, C.R.S., sexually violent predator.
- The court/parole board finds this offender to meet the criteria specified in 18-3-414.5(1), C.R.S., but the court/parole board does NOT find the offender to be a sexually violent predator.
- The court/parole board finds this offender does NOT meet the criteria specified in 18-3-414.5, C.R.S., sexually violent predator.

## PART 3C: OFFENDERS WHO REFUSE TO PARTICIPATE IN THE SVP INTERVIEW

**Please check the box below if the offender refused to participate in the interview required to complete all 10-item on the SOMB Sex Offender Risk Scale (SORS), and therefore the 6-item scale in Part 3C was used.**

- Yes, the offender refused to participate in the interview and Part 3C was completed.
- Offender scored 3 or more on the 6-item scale in Part 3C.

**Placement Decision:**     Probation     Community Corrections     DOC     Parole

Following the court finding, **Probation Officers** must mail or fax **all completed pages** within one month to:

Chris Rowe  
Division of Probation Services  
1301 Pennsylvania Street, Ste 300  
Denver, CO 80203  
Fax: (303) 837-2340

Following the parole board’s finding, **trained DOC staff** must mail or fax **all completed pages** within one month to:

Pat Lounders  
Division of Criminal Justice  
700 Kipling Street, Ste 3000  
Denver, CO 80215  
Fax: (303) 239-4491

**BACKGROUND:**

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**Probation officers and sex offender evaluators listed on the Sex Offender Management Board (SOMB) provider list or trained DOC staff/contractors will complete this instrument** on every sex offender that meets the following criteria:

(I) Is 18 years of age or older at the date of the offense, or who is younger but is tried as an adult pursuant to section 19-2-517 or 19-2-518, C.R.S.

(II) Has been convicted<sup>1</sup> on or after July 1, 1999 of one of the following offenses, including an **ATTEMPT, SOLICITATION OR CONSPIRACY TO COMMIT** one of the following, on or after July 1, 1997:

- o 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;
- o Sexual assault in the second degree, in violation of section 18-3-403,<sup>2</sup> C.R.S. as it existed prior to July 1, 2000;
- o 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;
- o Sexual assault on a child, in violation of sections 18-3-405, C.R.S.; or
- o Sexual assault on a child by one in a position of trust, in violation of section 18-3-405.3, C.R.S.

(III) Whose victim was one of the following (per 18-3-414.5(1)(a)(III), C.R.S.):<sup>3</sup>

- o A stranger to the offender (see Part 2A on page 5 of this form), **or**
- o A person with whom the offender established a relationship primarily for the purpose of sexual victimization (see Part 2B on page 5 of this form),<sup>4</sup> **or**
- o A person with whom the offender promoted a relationship primarily for the purpose of sexual victimization (see Part 2C on page 6 of this form).

(IV) Pursuant to 18-3-414.5(1)(a)(IV), C.R.S., and 16-11.7-103(4)(c.5), C.R.S., is likely to subsequently commit one or more of the offenses specified in 18-3-414.5(II)(a), C.R.S., under the circumstances described in 18-3-414.5(III)(a), C.R.S., according to the scores derived from the SOMB actuarial risk assessment instrument (Part 3A, or Part 3B if available, or Part 3C if necessary, of this form), specifically pursuant to 16-11.7-103(4)(c.5), C.R.S.

Once the form is completed by the probation officer and the evaluator or trained DOC staff or contractor, it should be forwarded to the court/parole board, pursuant to 18-3-414.5(2) and (3) C.R.S. Based on the results of the assessment (included on the following pages of this form), the court/parole board shall make specific findings of fact and enter an order concerning whether the defendant is a sexually violent predator.

An offender found to be a sexually violent predator is required to register with the local law enforcement agency in the jurisdiction in which they reside within five days of becoming a temporary or permanent resident, and on a quarterly basis thereafter, for the remainder of his or her natural life, pursuant to Section 16-22-108(1)(d), C.R.S. Offenders found to be sexually violent predators will also be placed on the internet listing of sex offenders maintained by the Colorado Bureau of Investigations (CBI) and linked to the State of Colorado's homepage, pursuant to Section 16-22-111, C.R.S., and shall be subject to community notification pursuant to Section 16-13-903, C.R.S.

<sup>1</sup> Convicted includes having pleaded guilty or nolo contendere, or having a received a deferred judgment and sentence per 18-3-414.5(b).

<sup>2</sup> The relationship categories are specified in federal and state statute. The SOMB defined each relationship category for the purposes of this assessment.

<sup>3</sup> Section 18-3-403 C.R.S. was repealed in 2000.

<sup>4</sup> The members of the Sex Offender Management Board determined that the three relationship categories are mutually exclusive. This document reflects the Board's decision.

**INSTRUCTIONS:**

**OVERVIEW**

- o This instrument requires information from **both** the Pre-Sentence Investigation writer and the SOMB-listed sex offender evaluator; once complete, the instrument must be forwarded to the court.
- o For **Department of Corrections'** cases, a trained DOC staff member or contractor must complete the instrument and forward it to the parole board when the offender is considered for release.
- o All completed forms for **Probation** must be faxed or mailed to the **Division of Probation Services**, and those from the **Department of Corrections** should be mailed or faxed to the **Division of Criminal Justice** (see cover page).
- o Pursuant to 16-22-108(1)(d)(I), C.R.S., the **parole board** "shall make specific findings concerning whether the offender is a sexually violent predator" based on the results of this assessment conducted by DOC. If the parole board finds an offender meets the criteria defined in this instrument, the offender is required to register pursuant to 16-22-108(1)(d)(I), C.R.S. and will be the subject of active community notification.
- o A copy of the SVP handbook can be obtained for the Sex Offender Management Board (SOMB) or downloaded from [http://dcj.state.co.us/ors/risk\\_assessment.htm](http://dcj.state.co.us/ors/risk_assessment.htm).

**PROBATION OFFICER**

The probation officer completes **Part 1, Part 3A items 1 through 6, Part 3C if necessary, and the Instrument Summary**. The probation officer then forwards the instrument to the SOMB-listed sex offender evaluator *along with police reports and victim statements*. If either police reports or victim statements are NOT forwarded with this instrument to the SOMB evaluator, please indicate why here:

Sections of this instrument to be completed by the probation officer are designated with: **P**

**SOMB LISTED EVALUATOR**

The SOMB listed evaluator completes **Part 2, Part 3A items 7 through 10, Part 3B if the information is available, and the Instrument Summary**, The SOMB evaluator then returns the completed instrument to the probation officer, along with the completed mental health sex offense specific evaluation, pursuant to C.R.S. 16-11.7-104(1).

Sections of this instrument to be completed by the mental health evaluator are designated with: **E**

**TRAINED DOC STAFF**

The trained DOC staff or contractor must complete the **entire** form (**Parts 1, 2, 3A, 3B if the information is available, 3C if necessary, and the Instrument Summary**).

**Data Sources used to complete this instrument must be identified:**

Please choose from the following data sources when completing Parts 2, 3 and, when necessary, Part 3C.

1. Criminal History
2. Pre-Sentence Investigation Process
3. Police Report
4. Mental Health Evaluation
5. Official Record/Documentation
6. Child Protection or Social Service Records
7. Demographic Information
8. NCIC
9. Education Records
10. Victim Report (self report or from any data source)
11. Sexual History (official record, self report)
12. Sex Offense Specific Mental Health Evaluation
13. Prison Record
14. Self-Report
15. CCIC
16. Results of a Plethysmograph Examination or an Abel Screen (SOMB Standards)
17. Polygraph
18. Other (Specify)\_\_\_\_\_

# PART 1

<b>COLORADO</b>	<b>SEXUALLY VIOLENT PREDATOR</b>	<b>ASSESSMENT SCREENING INSTRUMENT</b>
<b>P</b>	<b>Probation Officer or Trained DOC Staff/Contractor Please Complete Part 1</b>	<b>P 4 of 9</b>

## CLIENT INFORMATION

<b>Offender's First Name:</b>		<b>Offender's Last Name:</b>		<b>CC#: (Court Case Number)</b>	
<b>SS#:</b>		<b>SID#:</b>		<b>ML#:</b>	
<b>DOB: (MM-DD-YYYY)</b>					
<b>Gender:</b> <input type="checkbox"/> Male <input type="checkbox"/> Female		<b>Ethnicity:</b> <input type="checkbox"/> Anglo <input type="checkbox"/> Black		<input type="checkbox"/> Hispanic <input type="checkbox"/> Other	
<b>PO Name: (Does not apply to DOC cases)</b>			<b>PO Telephone Number: (Does not apply to DOC cases)</b>		
<b>Date Forwarded to SOMB Evaluator: (Does not apply to DOC cases)</b>			<b>Judicial District: (Does not apply to DOC cases)</b>		
<b>SOMB Evaluator/Trained DOC Staff Name:</b>			<b>Evaluator/Trained DOC Staff Telephone Number:</b>		
<b>Date of Evaluation:</b>			<b>Date Returned to PO: (Does not apply to DOC cases)</b>		

## DEFINING SEXUAL ASSAULT CRIMES (18-3-414.5(1) C.R.S.)

The offender is 18 years of age or older as of the date the crime was committed or is tried as an adult pursuant to 19-2-517 or 19-2-518, C.R.S.; the offender was convicted on or after July 1, 1999 of one of the following crimes committed on or after July 1, 1997. **Attempts, solicitations, and conspiracies apply.** Conviction includes pleas of guilty and nolo contendere or having received a **deferred judgment and sentence.**

Please check the box indicating which of the five crimes qualifies the offender for this assessment. Please include attempts, solicitations, and conspiracies to commit any of the following.

- Sexual assault in violation of section 18-3-402, C.R.S. as it existed prior to July 1, 2000;
- Sexual assault in the second degree, in violation of section 18-3-403, C.R.S. as it existed prior to July 1, 2000;
- Unlawful sexual contact, in violation of section 18-3-404(1.5) or (2), C.R.S. as it existed prior to July 1, 2000;
- Sexual assault on a child, in violation of section 18-3-405, C.R.S.; or
- Sexual assault on a child by one in a position of trust, in violation of section 18-3-405.3.

Meets **DEFINING SEXUAL ASSAULT CRIMES** Criterion:  Yes  No

This crime was an **Attempt, Solicitation, or Conspiracy**:  Yes  No

**PLEASE PROCEED TO PART 2**



# PART 2

<b>COLORADO</b>	<b>SEXUALLY VIOLENT PREDATOR</b>	<b>ASSESSMENT SCREENING INSTRUMENT</b>
<b>E</b>	<b>SOMB Evaluator or Trained DOC Staff/Contractor Please Complete Part 2 (Note: If using Part 3C, the PO may complete Part 2)</b>	P 5 of 9

The relationship categories are identified in federal and state statute. The following definitions were developed by representatives of the Sex Offender Management Board, the Judicial Department and the Department of Corrections to assist the court and the state board of parole (per 16-11.7-103(4)(e), C.R.S.) in the identification of "undue risk." For purposes of this document, undue risk includes the designation of sexual predator as outlined in 18-3-414.5(III) C.R.S.

**THE OFFENDER MUST MEET ONE OF THE FOLLOWING THREE SEXUALLY VIOLENT PREDATOR RELATIONSHIP DEFINITIONS: 1) STRANGER, OR 2) ESTABLISHED A RELATIONSHIP, OR 3) PROMOTED A RELATIONSHIP.**

## A. STRANGER

Pursuant to 18-3-414.5(1)(a)(III), C.R.S., the victim is a **stranger** to the offender when the victim has never known or met the offender, or has met the offender in such a casual manner as to have little or no familiar or personal knowledge of said offender, prior to the current offense.

Meets **STRANGER** Criterion:  Yes  No

Select the appropriate data source(s):

- |  |  |
|--|--|
| <input type="checkbox"/> 1. Criminal History<br><input type="checkbox"/> 2. Pre-Sentence Investigation Process<br><input type="checkbox"/> 3. Police Report<br><input type="checkbox"/> 4. Mental Health Evaluation<br><input type="checkbox"/> 5. Official Record/Documentation<br><input type="checkbox"/> 6. Child Protection or Social Service Records<br><input type="checkbox"/> 7. Demographic Information<br><input type="checkbox"/> 8. NCIC<br><input type="checkbox"/> 9. Education Records | <input type="checkbox"/> 10. Victim Report (self report or from any data source)<br><input type="checkbox"/> 11. Sexual History (official record, self report)<br><input type="checkbox"/> 12. Sex Offense Specific Mental Health Evaluation<br><input type="checkbox"/> 13. Prison Record<br><input type="checkbox"/> 14. Self-Report<br><input type="checkbox"/> 15. CCIC<br><input type="checkbox"/> 16. Results of a Plethysmograph Examination or an Abel Screen (SOMB Standards)<br><input type="checkbox"/> 17. Polygraph<br><input type="checkbox"/> 18. Other (Specify) |
|--|--|

## B. ESTABLISHED A RELATIONSHIP

Pursuant to 18-3-414.5(1)(a)(III), C.R.S., the offender **established a relationship** primarily for the purpose of sexual victimization when **any two of the following criteria** are present (*check all that apply*). List all data sources used in the box below.

- The offender has a history of multiple victims and similar behavior.
- The offender has actively manipulated the environment to gain access to this victim.
- The offender introduced sexual content in the relationship (introduction of pornography, inappropriate discussion of sexual relations with child).
- The offender persisted in the introduction of sexual contact or inappropriate behavior of a sexual nature despite lack of consent or the absence of the ability to consent.

Meets **ESTABLISHED A RELATIONSHIP** Criteria: (*Offender must meet at least two of the above items to meet "established a relationship" criteria*).

Yes  No

Select the appropriate data source(s):

- |  |  |
|--|--|
| <input type="checkbox"/> 1. Criminal History<br><input type="checkbox"/> 2. Pre-Sentence Investigation Process<br><input type="checkbox"/> 3. Police Report<br><input type="checkbox"/> 4. Mental Health Evaluation<br><input type="checkbox"/> 5. Official Record/Documentation<br><input type="checkbox"/> 6. Child Protection or Social Service Records<br><input type="checkbox"/> 7. Demographic Information<br><input type="checkbox"/> 8. NCIC<br><input type="checkbox"/> 9. Education Records | <input type="checkbox"/> 10. Victim Report (self report or from any data source)<br><input type="checkbox"/> 11. Sexual History (official record, self report)<br><input type="checkbox"/> 12. Sex Offense Specific Mental Health Evaluation<br><input type="checkbox"/> 13. Prison Record<br><input type="checkbox"/> 14. Self-Report<br><input type="checkbox"/> 15. CCIC<br><input type="checkbox"/> 16. Results of a Plethysmograph Examination or an Abel Screen (SOMB Standards)<br><input type="checkbox"/> 17. Polygraph<br><input type="checkbox"/> 18. Other (Specify) |
|--|--|

**CONTINUE IN PART 2**

# PART 2 Continued

## C. PROMOTED A RELATIONSHIP

*Consider only when stranger or established a relationship criteria above do not apply.*

Pursuant to 18-3-414.5(1)(a)(III), C.R.S., the offender **promoted an existing relationship** primarily for the purpose of sexual victimization when **the first item below is present and any other item is present** (*check all that apply*). List all data sources used in the box below.

- The offender took steps to change the focus of the relationship to facilitate the commission of a sexual assault such as but not limited to planning, increased frequency of contact, introduction of inappropriate sexual contact, stalking, seduction or drugging of the victim,
- AND**
- The offender engaged in contact with the victim that was progressively more sexually intrusive, or
  - The offender used or engaged in threat, intimidation, force or coercion in the relationship, or
  - The offender engaged in repetitive non-consensual sexual contact, or
  - The offender established control of the victim through means such as but not limited to emotional abuse, physical abuse, financial control or isolation of the victim in order to facilitate the sexual assault.

Meets **PROMOTED A RELATIONSHIP** Criteria: (*The promoted criteria are met when the first bullet and at least one of the bottom four bullets apply*).

Yes  No

Select the appropriate data source(s):

- |  |  |
|--|--|
| <ul style="list-style-type: none"> <li><input type="checkbox"/> 1. Criminal History</li> <li><input type="checkbox"/> 2. Pre-Sentence Investigation Process</li> <li><input type="checkbox"/> 3. Police Report</li> <li><input type="checkbox"/> 4. Mental Health Evaluation</li> <li><input type="checkbox"/> 5. Official Record/Documentation</li> <li><input type="checkbox"/> 6. Child Protection or Social Service Records</li> <li><input type="checkbox"/> 7. Demographic Information</li> <li><input type="checkbox"/> 8. NCIC</li> <li><input type="checkbox"/> 9. Education Records</li> </ul> | <ul style="list-style-type: none"> <li><input type="checkbox"/> 10. Victim Report (self report or from any data source)</li> <li><input type="checkbox"/> 11. Sexual History (official record, self report)</li> <li><input type="checkbox"/> 12. Sex Offense Specific Mental Health Evaluation</li> <li><input type="checkbox"/> 13. Prison Record</li> <li><input type="checkbox"/> 14. Self-Report</li> <li><input type="checkbox"/> 15. CCIC</li> <li><input type="checkbox"/> 16. Results of a Plethysmograph Examination or an Abel Screen (SOMB Standards)</li> <li><input type="checkbox"/> 17. Polygraph</li> <li><input type="checkbox"/> 18. Other (Specify)</li> </ul> |
|--|--|

## SUMMARY OF PART 2 RELATIONSHIP INFORMATION

<b>A. Meets STRANGER Criterion:</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA because "B" or "C" is Yes
<b>B. Meets ESTABLISHED A RELATIONSHIP Criteria:</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA because "A" or "C" is Yes
<b>C. Meets PROMOTED A RELATIONSHIP Criteria:</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA because "A" or "B" is Yes

**If A, B, or C is YES, PLEASE PROCEED TO PART 3.**

# PART 3A

<b>COLORADO</b>	<b>SEXUALLY VIOLENT PREDATOR</b>	<b>ASSESSMENT SCREENING INSTRUMENT</b>
<b>Probation Officers are required to complete items 1-6.</b> <b>SOMB Evaluators are responsible for items 7-10.</b> <b>Trained DOC Staff/Contractor will complete items 1-10.</b>		P 7 of 9

## 3A. SOMB SEX OFFENDER RISK SCALE (SORS)

Pursuant to 16-11.7-103(4)(c.5), C.R.S., the Division of Criminal Justice worked in consultation with the Sex Offender Management Board (SOMB) to develop an actuarial risk assessment scale to be used in the identification of an offender's risk to fail supervision/treatment. Data on demographic, index crime, criminal/juvenile history, sexual history and therapy/attitude characteristics were studied. This research is described in the SVP Handbook. Failure was measured at 12 and 30 months, and 5 years. **Research conducted by DCJ in 2007 found that adult sex offenders scoring 4 or more on the 10-item scale below were three times as likely to be arrested for a violent crime as someone scoring below 4. Men and women who score 0-3 are considered low risk. Women who score 4-8 are considered high risk but the probability for revocation is unknown due to the small number of women in the study.**

Each item is scored 1 (YES) or 0 (NO). Please indicate the data source(s) (the list of sources can be found on page 3). In the event that the offender refuses to participate in the interview required to complete **all 10 items on this scale**, please proceed to Part 3C. Please see the **SVP Handbook** for further information on each of the items below.

### **P** Probation Officer or Trained DOC Staff Please Complete Items 1 through 6

NA	YES	NO	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>1. The offender has one or more juvenile felony adjudications.</b> (Include sex offenses, attempts and conspiracies, but <u>not</u> deferred judgments/adjudications or misdemeanors). Data Source(s) _____
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>2. The offender has one or more prior adult felony convictions.</b> (Include sex offenses, attempts and conspiracies, <u>and</u> deferred judgments/sentences). Data Source(s) _____
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>3. The offender was employed less than full-time at arrest.</b> <span style="background-color: #e0e0e0;">This does not apply to women.</span> (Part-time, sporadic, or day labor is not considered full-time. Full time student or multiple, concurrent, stable part-time jobs are considered full-time employment. Being disabled or retired is not considered full-time employment and must be coded yes. Full -time work refers to 35 or more hours per week). Data Source(s) _____
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>4. The offender failed first or second grade.</b> (Whatever the reason, if the offender failed these grades in elementary school, and was held back or repeated the grade, this item scores "yes". Score "no" for individuals who were unable to attend grammar school. Probation Officers may need to work closely with the SOMB evaluator and polygraph examiner to obtain this information). Data Source(s) _____
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>5. The offender possessed or threatened a weapon during the current crime.</b> (A weapon is defined as a gun, knife, or object that could be used to intimidate or harm a victim. The offenders need only to possess or threaten use of the weapon during the crime, not use the weapon. If the victim was led to believe that a weapon was present, regardless if it was, score this criterion "yes"). Data Source(s) _____
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>6. The victim had ingested or was administered alcohol or drugs during or immediately prior to the current crime.</b> Data Source(s) _____

### **E** SOMB Evaluator or Trained DOC Staff Please Complete Items 7 through 10

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>7. The offender reports that he was NOT sexually aroused during the current crime.</b> This does not apply to women. (Sexual arousal refers to an erection. The erection must have been sustained throughout the sexual assault. Data sources include self-report and/or corroborating documentation such as the victim report and police report). <b>Note: If the offender was NOT aroused, mark yes).</b> Data Source(s) _____
These last three items on this scale are scored from the Colorado Sex Offender Management Board (SOMB) Checklist (attached).			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>8. The offender scored 20 or above on the COLORADO-SOMB Denial Scale.</b>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>9. The offender scored 20 or above on the COLORADO-SOMB Deviancy Scale.</b> Responses from the Deviancy Scale reflect: <input type="checkbox"/> Lifetime Behavior and/or <input type="checkbox"/> Time of Crime
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>10. The offender scored 20 or below on the COLORADO-SOMB Motivation Scale.</b>

**TOTAL** (Add up all the "Yes" responses in Part 3A)

Meets **DCJ SORS SCALE** Criteria: (Total score of 4 or more "Yes" responses for both men and women)

Yes  No

**PLEASE PROCEED TO 3B**

## PART 3B

<b>COLORADO</b>	<b>SEXUALLY VIOLENT PREDATOR</b>	<b>ASSESSMENT SCREENING INSTRUMENT</b>
<b>E</b>	<b>SOMB Evaluator or Trained DOC Staff/Contractor Please Complete</b> <b>Part 3B</b>	P 8 of 9

### 3B. ADDITIONAL INFORMATION WHEN AVAILABLE

Mental abnormality is referenced in 16-11.7-103(4)(c.5), C.R.S., and is addressed in the 10-Item SORS in Part 3A. Additional information may be gathered here in Part 3B. Mental abnormality, according to statute, "means a congenital or acquired condition that affects the emotional or volitional capacity of a person in a manner that predisposes that person to the commission of a criminal sexual act...." DCJ research found an offender may be at additional risk when he or she scores:

- 18 or more on the Psychopathy Check List Short Version (PCL-SV), **OR**
- 30 or more on the Psychopathy Check List Revised PCL-R, **OR**
- 85 or more on **each** of the following Millon Clinical Multiaxial Inventory (MCMI-III) scales: narcissistic, antisocial, and paranoid.

**If the information is AVAILABLE, please indicate the score of the appropriate test below.**

#### Psychopathy Checklist

PCL-SV Score:

**OR**

PCL-R Score:

**-OR -**

#### Millon Clinical Multiaxial Inventory (MCMI-III)

Narcissistic Score:

**AND**

Antisocial Score:

**AND**

Paranoid Score:

**PLEASE PROCEED TO THE INSTRUMENT SUMMARY**

### INSTRUMENT SUMMARY

**To be identified a sexually violent predator, the offender must have answered YES on Parts 1+2+[3A or 3B or 3C]**

Defining Sexual Assault Crimes Criterion ( <b>Part 1</b> ) <b>AND</b>	<input type="checkbox"/>	Yes
	<input type="checkbox"/>	No
Meets Date Requirement ( <b>Per Statute</b> ) <b>AND</b>	<input type="checkbox"/>	Yes
	<input type="checkbox"/>	No
Meets Relationship Criteria ( <b>Part 2</b> ) <b>AND</b>	<input type="checkbox"/>	Yes
	<input type="checkbox"/>	No
Scored 4 or more on the DCJ SORS Scale ( <b>Part 3A</b> ) <b>OR</b>	<input type="checkbox"/>	Yes
	<input type="checkbox"/>	No
Information was available and offender meets <b>Part 3B</b> <b>OR</b>	<input type="checkbox"/>	Yes
	<input type="checkbox"/>	No
Offender refused to participate in the SORS interview and scored 3 or more on the 6-item scale in Part 3C.	<input type="checkbox"/>	Yes
	<input type="checkbox"/>	No
<b>DID OFFENDER MEET SVP CRITERIA?</b> <i>Must have YES on Parts 1+2+ (3A or 3B when 3B is available). Or, when offender refuses to participate, 3C.</i>	<input type="checkbox"/>	Yes <i>(Record this response on page 1 as well.)</i>
	<input type="checkbox"/>	No

# PART 3C

<b>COLORADO</b>	<b>SEXUALLY VIOLENT PREDATOR</b>	<b>ASSESSMENT SCREENING INSTRUMENT</b>
<b>Probation Officer or Trained DOC Staff/Contractor Please Complete</b>		<b>P 9 of 9</b>
<b>Part 3C</b>		

In the event that the offender refuses to participate in the interview required to complete **all** of the 10-items on the SOMB Sex Offender Risk Scale (SORS), apply the following 6-item scale. Use any information that is available in the offender's file.

*The probation officer or DOC staff will meet with the offender, give the offender an informed consent form, obtain the offender's signature on the consent form, and conduct the assessment per the protocol established in the SVP Assessment Handbook. If the offender refuses to participate in the SVP assessment using the form provided here and refuses to sign the informed consent form the following steps should be taken. **To encourage participation, the provider will verbally read the following statements to the offender at the time of his/her refusal to participate.***

- a. **Without cooperation in the SVP assessment interview required to complete this form, the interviewer will be required to complete an alternate risk scale (below) with information only from the offender's criminal history file;**
- b. **The 'alternate' scale contains valid risk factors, but is shorter and eliminates approximately 50% of sex offenders from recommendation as an SVP; and**
- c. **Participation in the interview required to complete the longer, 10-item scale has been found to eliminate more than 80% of convicted sex offenders from recommendation as an SVP.**

*If the offender further refuses to participate, the provider will end the interview and score the six-item risk scale below using information available in the offender's file.*

Each item is scored 1 (YES) or 0 (NO). Please indicate the data source(s) *(the list of sources can be found on page 3).*

NA	YES	NO	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>1. The offender has one or more juvenile felony adjudications.</b> <i>(Include sex offenses, attempts and conspiracies, but <u>not</u> deferred judgments/adjudications or misdemeanors.)</i> Data Source(s) _____
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>2. The offender has one or more prior adult felony convictions.</b> <i>(Include sex offenses, attempts and conspiracies, <u>and</u> deferred judgments/sentences.)</i> Data Source(s) _____
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>3. The offender was employed less than full-time at arrest.</b> <i>This does not apply to women. (Part-time, sporadic, or day labor is not considered full-time. Disabled or retirement is not considered full-time employment. Full-time student or multiple, concurrent, stable part-time jobs are considered full-time employment. Full-time work refers to 35 or more hours per week.)</i> Data Source(s) _____
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>4. Any documented history or violence or weapon use (lifetime).</b> <i>(Any documentation in the file that reflects violent behavior or weapon use as an adult or juvenile, in the institution or in the community, whether or not it resulted in an arrest or investigation. This includes pretending to use a weapon during the commission of a crime, and it includes domestic violence arrests.)</i> Data Source(s) _____
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>5. Any documentation of substance-abuse related crime (lifetime).</b> <i>(This includes any arrest for a drug crime, DUI, or documentation in the file that any past or current offense was committed when the offender was abusing drugs or alcohol.)</i> Data Source(s) _____
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>6. More than one sexual assault victim or more than one sexual assault (lifetime).</b> <i>(Include the current offense, and any information in the file that documents any type of sexual assault against more than a single victim, or evidence of more than a single sex crime event.)</i> Data Source(s) _____

**TOTAL** A score of 3 or more qualifies the offender for SVP designation.

**PLEASE GO BACK AND FILL OUT THE INSTRUMENT SUMMARY ON PAGE 8**

# SOMB CHECKLIST

(The three required scales for items 8-10 on Part 3A)

Please endorse each of the following items as they apply to the client: "0" means "does not apply at all" to a "5" meaning "applies very much".

<b>Date:</b>	<b>CR#:</b>	<b>SS#:</b>
<b>Client Name:</b>		
<b>SOMB Evaluator Name:</b>	<b>Referring Probation Officer Name:</b>	

Not at all...Very Much

**DENIAL**

- Denies actual facts of offense. 0 1 2 3 4 5
- Denies wrongness of actions. 0 1 2 3 4 5
- Minimizes prior sex offenses. 0 1 2 3 4 5
- Portrays self as victim. 0 1 2 3 4 5
- Blames others for the crime. 0 1 2 3 4 5
- Holds grudges against "system". 0 1 2 3 4 5
- Says victim "wanted it". 0 1 2 3 4 5
- Says therapy is unnecessary. 0 1 2 3 4 5

**DEVIANT SEXUAL PRACTICES**

- Has no socially appropriate sexual outlet. 0 1 2 3 4 5
- Engages in many forms of deviant sexuality. 0 1 2 3 4 5
- Obsessed with deviant sexual practices. 0 1 2 3 4 5
- Engages in bizarre sexual practices. 0 1 2 3 4 5
- Poor control of sexual behavior. 0 1 2 3 4 5
- Talks constantly about sex. 0 1 2 3 4 5
- Nothing seems "off limits" sexually. 0 1 2 3 4 5
- Masturbation is compulsive or excessive. 0 1 2 3 4 5

*Deviant Sexual Practice Responses Reflect:*  Current Behavior OR  Time of Crime

**MOTIVATION**

- Verbalizes desire for treatment. 0 1 2 3 4 5
- Agrees with court order for intervention. 0 1 2 3 4 5
- Pays attention to evaluator. 0 1 2 3 4 5
- Arrives for appointments on time. 0 1 2 3 4 5
- Is positive about evaluator's testing. 0 1 2 3 4 5
- Actively participates in evaluation. 0 1 2 3 4 5
- Completes evaluation requirements. 0 1 2 3 4 5
- Seeks additional help. 0 1 2 3 4 5