

SEXUALLY VIOLENT PREDATORS

ANNUAL REPORT



January 15, 2013

Colorado Department of Corrections
State Judicial Department

Sexually Violent Predators Annual Report | 2012

January 15, 2013

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INTRODUCTION

The State Judicial Department and the Department of Corrections jointly submit this sixth annual report on sexually violent predators (SVPs). 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 (SVP) 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 that the court make a finding that the defendant was an SVP. An SVP designation resulted in the defendant being subjected to lifetime quarterly registration.

In 1998, the General Assembly clarified that 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 that the court order an SVP risk assessment for an offender convicted of one of the five 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 an SVP when considering parole release for an offender convicted of one of the five 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 an 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 website was also included.

In 2006, the SVP statute was expanded to include attempts, solicitations, or conspiracies to commit one of the five 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 six months to be used or waives the requirement if the defendant has previously been designated an 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 Corrections 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.

In 2008, HB 08-1247 required the Department of Corrections to notify the court if it receives a mittimus that does not indicate whether or not the court identified a defendant as an SVP. This legislation enables the Department of Corrections to return the defendant to the custody of the sheriff for transport to the court for the determination.

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 June 2010 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, 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. 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.

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 12-month period is defined as calendar year 2012 (January 1, 2012, through December 31, 2012), unless otherwise denoted, and the population figures are reported as of December 31, 2012, representing the population at the time of the report.

DEPARTMENT OF CORRECTIONS RESPONSE

In recent years the Department of Corrections implemented information systems to identify offenders who have not previously been evaluated under the SVP provisions and capture the scoring instrument electronically. These enhancements facilitated the reporting of the information presented in the table on the next page.

Report Requirement Item	Required Data	Department of Corrections Response
(a)	Number of offenders evaluated in calendar year 2012	34
(b)	Number of sexually violent offenders identified in calendar year 2012	1
(c)	Total number of sexually violent predators as of December 31, 2012:	
	Prison	481
	Community Corrections Transition	1
	Total Incarcerated Population	482
	Supervised on Parole (Level of Supervision):	
	ISP/Maximum	21
	Out of State Parolee	3
(c)	In Custody:	
	County Jail/CMRC	6
	INS Deportation/Detainer Out of State	5
	Absconders	0
(c)	Total Parole Population	35
(d)	Average Length of Sentence:	
	Incarcerated Population prison sentence (481 offenders*)	30.7 years
	Prison sentence average of the current 35 parolees	5.6 years
(d)	Parole sentence average of the current 35 parolees	3.1 years
(e)	Calendar Year 2012 Discharges:	
	from parole	7
(e)	from prison	16

*Excludes three offenders with a life with no parole sentence.

The Division of Adult Parole, Community Corrections and YOS is responsible for supervising SVP offenders 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, SVPs are the most intensely supervised offenders and are managed according to the standards established by the Sex Offender Management Board, pursuant to C.R.S. 16-11.7-101 through 106. The statutes were amended in 2011. Using a designed level system, SVP offenders can progress to a lower level of supervision, based on risk and compliance and the approval of the entire community supervision team. They are no longer classified as “maximum” throughout their supervision period; it is now on a case-by-case basis. Community re-entry specialists are assigned to this population to provide stabilization strategies (housing, employment, education, transportation, clothing, tools, etc.). Community parole officers are required to conduct home visits, employment verifications, and staffing with 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.

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 sexually violent predator (SVP) qualifying offenses (including attempts, solicitations, or conspiracies, as well as deferred judgment and sentences) for calendar year (CY) 2012 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 of 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.

Pursuant to 18-3-414.5, when an offender is convicted of one of the offenses specified above, the probation department, in coordination with the evaluator completing the mental health sex offense specific evaluation, completes the sexually violent predator risk assessment, unless the evaluation and assessment were completed within the six months prior to the conviction or the defendant was previously designated an SVP. Based on the results of the assessment, the court makes specific findings of fact and enters an order concerning whether the offender is an SVP. If the offender is found to be an SVP, the offender is required to register quarterly and is subject to community notification. The offender's conviction, SVP designation as well as demographic information are posted on the Colorado Bureau of Investigation web site. If the offender is sentenced to DOC and DOC receives a mittimus reflecting that the court did not make a specific finding of fact or enter an order regarding whether the offender is an SVP, DOC immediately notifies the court and, if necessary, returns the offender to the custody of the sheriff for delivery to the court, and the court then makes a finding or enters an order regarding whether the offender is an SVP.

Report Requirement Item	Required Data	State Judicial Response
(a)	Number of offenders evaluated in CY 2012 ¹	395
(b)	Number of sexually violent predators identified in CY 2012	
	Sentenced to DOC	41
	Sentenced to Probation	24
	Total	65
(f)	Total number of sexually violent predators with a sentence to probation as of December 31, 2012 ²	
	Level of Supervision:	
	Sex Offender Intensive Supervision Probation (SOISP) Level of Supervision	8
	Administrative SOISP Level (Currently serving a DOC or Jail concurrent sentence)	21
	Regular Probation Administrative Level (Out of State)	2
	Regular Probation Administrative	3
	Non-SOISP Supervision Level	1
	Non-SOISP ADMN	17
	Community Corrections ADMIN	2
	Total	54
(g)	Number of sexually violent predators discharged from probation during the previous 12 months	
	Revoked for Technical Violations	5
	Revoked for New Felony	1
	Successful Termination	1
	Deported	1
	Died	1
	Absconded–Warrant Outstanding	1
	Community Corrections Closure	1
	Total	11

¹ Number of offenders referred for evaluation includes those cases that are referred to the Probation Department for a presentence investigation report (PSIR). Offenders who refuse a PSI interview, or are not otherwise available, are not included.

² Probationers in the State of Colorado are assessed to determine their level of risk and need. The assessment results are used to determine program placement, intensity of supervision and to develop a case plan with anticipated contacts, goals and outcomes.

Between January 1, 2012 through December 31, 2012, 395 adults convicted of one of the five (5) qualifying sexually violent predator crimes received an SVP evaluation/assessment. Of those offenders assessed, the court made a finding of SVP for 65 offenders. Of these, as of December 31, 2012, a cumulative total of 24 adult sex offenders were identified as an SVP and received a probation sentence while 41 offenders were sentenced to DOC.

There were 11 offenders identified as SVP discharged from probation in CY 2012. Of these, 1 offender was revoked for a new felony of Sexual Assault on a Child in a Position of Trust (F4); 5 offenders were revoked for a technical probation violation and 1 offender was successfully terminated from probation.

Any adult convicted of a felony sex offense and receives a sentence to probation is required to be supervised by the sex offender intensive supervision program (SOISP). SOISP is designed to provide the highest level of supervision that is provided to probationers. Probation Officers employ a containment model that assumes some sex offenders cannot or will not respond to treatment and there is no implication that all sex offenders can be successful in treatment. 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, GPS tracking, 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. After lengthy treatment and supervision, the court may enter an order allowing the offender to be supervised as a sex offender on a non-SOISP caseload. The offender may, however, be subject to continued restricted activities and conditions 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.

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 3B) with additional criteria specified by the Colorado Sex Offender Management Board (Parts 2, 3A and 3C).

Review the 2010 SVPASI handbook prior to completion of this form 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. Check the appropriate boxes below to indicate that the offender satisfies the legislative criteria for the definition of sexually violent predator pursuant to 18-3-414.5(1), C.R.S.

- 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(1)(a)(II) C.R.S., as revised to include attempt, solicitation, or conspiracy. **AND**

 - 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**

 - 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(1)(a)(III), C.R.S. If the offender refuses to participate in the assessment, this criteria is automatically affirmative. **AND**

 - The defendant meets the prior conviction criterion (Part 3A). **OR**

 - The defendant scores 8 or more on the Sex Offender Risk Scale (SORS, Part 3B), pursuant to 18-3-414.5 and 16-11.7-103(4)(c.5), C.R.S. **OR**

 - Meets additional risk criteria (Part 3C), pursuant to 16-11.7-103(4)(c.5), C.R.S.
- YES, the offender DID meet SVP criteria.**
 - NO, the offender DID NOT meet SVP criteria.**
 - The offender refused to participate but DID meet SVP criteria.**
 - The offender refused to participate but DID NOT meet SVP criteria.**

COURT OR PAROLE BOARD FINDING:

18-3-414.5(2) and 18-3-414.5(3), C.R.S. state in part that based on the results of this assessment, the court or the parole board shall make specific findings concerning whether the defendant is a sexually violent predator. Probation officer or trained DOC staff, based on the court or parole board decision, check the box that applies.

- The court or the parole board finds this offender to meet the criteria specified in 18-3-414.5, C.R.S. and finds that the offender IS a sexually violent predator.

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

- The court or the parole board finds this offender does NOT meet the criteria specified in 18-3-414.5, C.R.S. and finds that the offender is NOT a sexually violent predator.

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

Office of Research and Statistics
Division of Criminal Justice
700 Kipling Street, Ste 1000
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 convicted¹ 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 18-3-403,² 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 section 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.):³

- 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),⁴ **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(1)(a)(II), C.R.S., under the circumstances described in 18-3-414.5(1)(a)(III), C.R.S., according to the scores derived from the SOMB actuarial risk assessment instrument (Part 3A, Part 3B, or Part 3C 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.

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

² Section 18-3-403 C.R.S. was repealed in 2000.

³ The relationship categories are specified in federal and state statute. The SOMB defined each relationship category for the purposes of this assessment.

⁴ 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

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OVERVIEW

- o This instrument may require information from both the Pre-Sentence Investigation writer and an 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 Criminal Justice** (see cover page).
- o A copy of the SVPASI handbook can be obtained from the Sex Offender Management Board (SOMB) or downloaded from http://dcj.state.co.us/ors/risk_assessment.htm.

PROBATION OFFICER

The probation officer completes **Part 1, Part 3A, Part 3B, the corresponding items on the Instrument Summary, and upon completion of this instrument, the Assessment Summary.** The probation officer then forwards the instrument to the SOMB-listed sex offender evaluator *along with police reports and victim statements.* **If the offender refuses to participate in the assessment, the probation officer shall, in coordination with the evaluator, complete the SVPASI (18-3-414.5(2)) based on a review of available records.** 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 3C if available, and the corresponding items on 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, 3C, the Instrument Summary, and the Assessment Summary).**

Data sources used to complete this instrument must be identified:

Please check the appropriate boxes below to indicate the data sources utilized to complete Parts 2 and 3.

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 VRT Assessment
17. Polygraph
18. Other (Specify)

PART 1

COLORADO	SEXUALLY VIOLENT PREDATOR	ASSESSMENT SCREENING INSTRUMENT
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P	Probation Officer or Trained DOC Staff/Contractor Please Complete Part 1	P 4 of 7
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CLIENT INFORMATION

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

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 to commit the following crimes apply.** Conviction includes receiving a verdict of guilty by a judge or jury, pleading guilty or 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., 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;
- 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

PROCEED TO PART 2

PART 2

COLORADO | SEXUALLY VIOLENT PREDATOR | ASSESSMENT SCREENING INSTRUMENT

P/E | SOMB Evaluator, Trained DOC Staff or Probation Officer Complete Part 2. | P 5 of 7

The relationship categories are identified in 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 in the identification of sexually violent predators as outlined in 18-3-414.5(III) C.R.S.

If the offender refuses to participate in the assessment, other collateral sources of information, such as victim statements or police reports, should be utilized to determine the relationship criterion. Refer to the manual for further information and examples.

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 but has little or no familiar or personal knowledge of said offender, prior to the current offense. See the manual if Internet or child pornography offenses are involved.

Meets **STRANGER** Criterion: Yes No

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 boxes below.

- The offender has a history of sexual offending involving similar behavior.
- The offender manipulated the environment to gain access to this victim.
- The offender introduced sexual content into the relationship prior to committing the initial sexual offense.
- The offender engaged in sexually inappropriate behavior with the victim despite the lack of consent or an inability to consent.

Meets **ESTABLISHED A RELATIONSHIP** Criteria (*At least two of the above items apply*): Yes No

C. PROMOTED A RELATIONSHIP

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*).

- The offender took steps to change the focus of an existing relationship to facilitate the commission of a sexual assault such as but not limited to planning, increasing 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 increasingly sexually intrusive over time, or
 - The offender used 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 including 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 DATA SOURCE(S) USED TO DETERMINE RELATIONSHIP CRITERIA

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

PROCEED TO PART 3

PART 3

3A. PRIOR SEX CRIME CONVICTION

The defendant has previously been convicted as an adult of at least one felony or two misdemeanor sex crimes as defined by C.R.S. 16-11.7-102(3). This **INCLUDES** court established factual basis sex crimes, hands off sexual offenses, Internet sex crimes and out of state sex crime convictions. This **EXCLUDES** deferred judgments and sentences, failure to register and juvenile adjudications. Please refer to the 2010 SVPASI handbook for further details regarding this item.

- Yes**
 No

PROCEED TO PART 3B REGARDLESS OF RESULTS IN PART 3A

3B. SOMB SEX OFFENDER RISK SCALE (SORS) 2009

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 be rearrested for a new sex crime. This research is described in the SVPASI handbook. Failure was measured as a new sexual arrest within 5 years. **A score of 8 or above reflects that the individual is 5 times as likely to commit a new sex crime compared to those scoring 0-7**

Each item is scored with either 0, 1 or 2. Check the appropriate response for each item. See the SVPASI handbook for further details on calculating the total score.

YES	NO
------------	-----------

- | | | |
|---|----------------------------|---|
| <input type="checkbox"/> 2 <input type="checkbox"/> 1 | <input type="checkbox"/> 0 | <p>1. Age of the offender at the time of the index offense: Score 2 if offender was 25 or under, score 1 if offender was between 26 and 35, score 0 if over 35. Age at earliest event recorded in official records for the actual index/instant offense.</p> |
| <input type="checkbox"/> 2 | <input type="checkbox"/> 0 | <p>2. The offender was known to the victim. The victim was not a stranger, but was the spouse, relative, friend, or acquaintance of the offender. Internet offenders may be considered strangers. See SVPASI handbook for more detail.</p> |
| <input type="checkbox"/> 1 | <input type="checkbox"/> 0 | <p>3. The offender has been revoked from community supervision as an adult 2 or more times in the past. Refers to revocations on probation, parole, and community corrections, regardless of consequences or sanctions. Includes probation reinstatements. Includes revocations related to current and prior convictions.</p> |
| <input type="checkbox"/> 1 | <input type="checkbox"/> 0 | <p>4. The offender had NOT graduated from high school at the time of arrest. If the offender did not graduate, score 1. The definition of graduation EXCLUDES the receipt of a GED UNLESS the offender has also attended any post-secondary educational program, including college, trade school or community college. If unknown, score 1 and list sources utilized to attempt to obtain this information:</p> |
| <input type="checkbox"/> 2 | <input type="checkbox"/> 0 | <p>5. The offender has one or more prior adult convictions. Includes adult felony and misdemeanor convictions and deferred judgments and sentences that occurred prior to the index sex offense, but does not include adjudications as a juvenile. Includes misdemeanor traffic convictions. Does <u>not</u> include lesser traffic citations. Excludes convictions related to the current/index offense (e.g. multiple cases related to a singular incident).</p> |
| <input type="checkbox"/> 1 | <input type="checkbox"/> 0 | <p>6. The offender moved 2 or more times in the 2 years prior to arrest for the actual index/current offense. Offender resided at 3 or more different addresses during this time frame. Score 1 if there has been any period of transience in the past 2 years. If unknown, score 0 and list sources utilized to attempt to obtain this information:</p> |

TOTAL SCORE (Add up the scores for the items checked in Part 3B)

Total score of 8 or more: Yes No

PROCEED TO PART 3C

PART 3

3C. MENTAL ABNORMALITY

Mental abnormality is referenced in 16-11.7-103(4)(c.5), C.R.S. 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...." One of the following instruments must be completed by the evaluator, who must meet the minimum qualifications for administering the instrumentation utilized to make the following determination. Refer to the SVPASI handbook for more details regarding these qualifications. SKIP THIS SECTION IF THE OFFENDER REFUSES TO PARTICIPATE IN THE ASSESSMENT.

DCJ research has found that an offender may be at additional risk when he or she scores:

Check the appropriate box:

		Yes	No	N/A
<ul style="list-style-type: none"> ▪ 30 or more on the Psychopathy Check List Revised (PCL-R), OR 	PCL-R score 30+	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> ▪ 85 or more on each of the following Millon Clinical Multiaxial Inventory (MCMI-III) scales: narcissistic, antisocial, and paranoid, OR 	MCMI-III score 85+	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> ▪ 70 or more on each of the following Coolidge Correctional Inventory (CCI) scales: narcissistic, antisocial, and paranoid. 	CCI score 70+	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

If the offender is assessed with more than one of the specified instruments and a 'Yes' is indicated in any of the above boxes, the offender meets the mental abnormality criteria.

Meets Mental Abnormality Criteria: Yes No

PROCEED TO THE INSTRUMENT SUMMARY

INSTRUMENT SUMMARY

To be identified a sexually violent predator, the offender must meet the criteria defined in Parts 1 and 2, as well as one of the following: Part 3A or 3B or 3C

Meets Defining Sexual Assault Crimes Criterion (Part 1) AND	<input type="checkbox"/> Yes <input type="checkbox"/> No
Meets Date Requirement (Per Statute) AND	<input type="checkbox"/> Yes <input type="checkbox"/> No
Meets Relationship Criteria (Part 2) AND	<input type="checkbox"/> Yes <input type="checkbox"/> No
Meets Prior Conviction Criterion (Part 3A) OR	<input type="checkbox"/> Yes <input type="checkbox"/> No
Scored 8 or More on the DCJ SORS 2009 Scale (Part 3B) OR	<input type="checkbox"/> Yes <input type="checkbox"/> No
Meets Mental Abnormality Criteria (Part 3C)	<input type="checkbox"/> Yes <input type="checkbox"/> No
DID OFFENDER MEET THE SEXUALLY VIOLENT PREDATOR CRITERIA? <i>Must meet the criteria defined in Part 1 AND Part 2 AND one of the following: Part 3A OR Part 3B OR Part 3C.</i>	<input type="checkbox"/> Yes (Record this response on page 1 as well.) <input type="checkbox"/> No