



# COLORADO

## Department of Corrections

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Executive Director

# SEXUALLY VIOLENT PREDATORS

## ANNUAL REPORT

A REPORT SUBMITTED TO THE  
HOUSE AND SENATE JUDICIARY COMMITTEES  
DUE JANUARY 15, 2016, PURSUANT TO C.R.S. 18-3-414.5(4)

PREPARED BY  
OFFICE OF PLANNING AND ANALYSIS, COLORADO DEPARTMENT OF CORRECTIONS  
DIVISION OF PROBATION SERVICES, COLORADO STATE COURT ADMINISTRATORS OFFICE

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## INTRODUCTION

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The State Judicial Department and the Department of Corrections jointly submit this eighth 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.

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## BACKGROUND OF SEXUALLY VIOLENT PREDATORS (SVP) LAWS

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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:

1. Sexual Assault in the First Degree
2. Sexual Assault in the Second Degree
3. Felony Sexual Assault in the Third Degree
4. Sexual Assault on a Child
5. 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 a 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.

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## SEXUAL PREDATOR RISK ASSESSMENT SCREENING INSTRUMENT

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The Colorado Sexually Violent Predator 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 October 2014, 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 18 years of age as of the date the offense is committed but is tried as an adult pursuant to section 19-2-517 or 19-2-518, C.R.S.
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 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 16-11.7-103(4)(c.5), C.R.S., is likely to subsequently commit one or more of the offenses specified above under the circumstances specified above.

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## DATA REPORTING

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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 (CY) 2015 (January 1, 2015, through December 31, 2015), unless otherwise denoted, and the population figures are reported as of December 31, 2015, 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 Table 1.

*Table 1.*

Report Requirement Item	Required Data	Department of Corrections Response
(a)	# of offenders evaluated in CY 2015	25
(b)	# of sexually violent offenders identified in CY 2015	0
©	# of sexually violent predators as of December 31, 2015:	
	Prison	552
	Community Corrections Transition	0
	<b>Total Incarcerated Population</b>	<b>552</b>
	Supervised on Parole (Level of Supervision):	
	Intensive Supervision Parole	20
	Regular Parole	4
	Out of State Parolee	5
	In Custody:	
	U. S. Bureau of Prisons	1
	INS Deportation/Detainer Out of State	11
	Absconders	1
	<b>Total Parole Population</b>	<b>42</b>
(d)	Average Length of Sentence (in years):	
	Incarcerated Population prison sentence (546 offenders*)	34.8
	Prison sentence average of the current 42 parolees	5.9
	Parole sentence average of the current 42 parolees	3.4
(e)	CY 2015 Discharges:	
	from parole	16
	from prison	9

\*Excludes six offenders with a life with no parole sentence.

The Division of Adult Parole 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. Using a designed level system, SVP offenders can progress to a lower level of supervision, based on risk, 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. Parole Community Re-entry Services provide stabilization strategies (e.g. housing, employment, education, transportation, clothing, tools, etc.). Community Parole Officers (CPOs) are required to conduct home visits, employment verifications, and staffing with approved treatment providers. Curfews are managed with electronic monitoring to include GPS and home detention. Residential program placement, following acceptance by local community boards, may also be a condition of parole.

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## PROBATION RESPONSE

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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 CY 2015 for review in preparation of this report.

- a) 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 15 years of age but less than 17 years of age and the actor is at least ten years older than the victim and is not the spouse of the victim.")
- b) 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;
- c) 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;
- d) Felony 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.

Pursuant to 18-3-414.5, C.R.S., 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 (Table 2).

**Table 2**

Report Requirement Item	Required Data	State Judicial Response
(a)	Number of offenders evaluated in CY 2015 <sup>1</sup>	275
(b)	Number of sexually violent predators identified in CY 2015	
	Sentenced to DOC	45
	Sentenced to Probation	23
	Pending at time of this report	2
	<b>Total</b>	<b>70</b>
(f)	Total number of sexually violent predators with a sentence to probation as of December 31, 2015 <sup>2</sup>	
	LEVEL OF SUPERVISION:	
	Sex Offender Intensive Supervision Probation (SOISP) Level of Supervision	15
	Administrative SOISP Level (Currently serving a DOC or Jail concurrent sentence)	17
	Regular Probation Administrative Level (Out of State)	3
	Regular Probation Administrative	7
	Non-SOISP Supervision Level	7
	Non-SOISP ADMN	30
	Community Corrections ADMN	1
	<b>Total</b>	<b>73</b>
(g)	Number of sexually violent predators discharged from probation during the previous 12 months	
	Revoked for Technical Violations	1
	Revoked for New Felony	1
	Successful Termination	0
	Deported	0
	Died	1
	Absconded-Warrant Outstanding	1
	Community Corrections Closure	0
<b>Total</b>	<b>4</b>	

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, 2015 and December 31, 2015, 275 adults convicted of one of the five qualifying sexually violent predator crimes received an SVP evaluation/assessment. Of those offenders assessed, the court made a finding of SVP for 70 offenders. Of these, as of December 31, 2015, a cumulative total of 23 adult sex offenders were identified as SVPs and received a probation sentence while 45 offenders were sentenced to CDOC. Two cases are still pending at the time of this report

There were 4 offenders identified as SVP discharged from probation in CY 2015. Of these, 1 probationer was revoked for technical probation violations. The technical violations consisted of having intentional contact with minors, violating parole conditions and unsuccessful discharge from treatment.

Any adult convicted of a felony sex offense and receiving 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 to probationers. Probation Officers employ supervision strategies to assist probationers with their response and engagement in treatment that adhere to the Risk, Need, Responsivity model. There is no guarantee that all sex offenders will respond to treatment or will be successful in treatment and or supervision. The goal of intensive supervision for sex offenders is to minimize the risk to the public to the greatest extent possible while utilizing strengths based techniques to enhance the probationer's intrinsic motivation to succeed. Depending on the probationer, elements of management may include severely restricted activities, daily contact with a probationer, 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 behaviorally-based criteria that must be met prior to a reduction in the level of supervision. After lengthy treatment and supervision, the court may enter a modification of sentence order allowing the probationer to be supervised as a sex offender on a non-SOISP (regular probation) caseload. The probationer 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 a probationer who is in the Department of Corrections, jail or work release as a condition of probation.

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## SUMMARY

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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 population.

# ATTACHMENT A

## **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.*

**Review the 2014 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 (SVP) 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 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 the above SVP criteria.**
- No, the offender DID NOT meet the above SVP criteria.**
- The offender refused to participate but DID meet the above SVP criteria.**
- The offender refused to participate but DID NOT meet the above SVP criteria.**

### **RECOMMENDATION REGARDING RELATIONSHIP CRITERIA:**

**Per recent supreme court decisions, the court/parole board shall make the determination regarding whether the offender meets the relationship criteria based on a recommendation from the evaluator. If the court/parole board determines that the offender DOES meet the relationship criteria, the court /parole board shall then consider whether to designate the offender as an SVP or not.**

- 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.

### **COURT OR PAROLE BOARD FINDING:**

- 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 does NOT 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 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 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.):

- o A stranger to the offender **or**
- o A person with whom the offender established a relationship primarily for the purpose of sexual victimization **or**
- o A person with whom the offender promoted a relationship primarily for the purpose of sexual victimization.

(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 found 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 received a deferred judgment and sentence per 18-3-414.5(b).

<sup>2</sup> Section 18-3-403 C.R.S. was repealed in 2000.


**INSTRUCTIONS**

**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://www.colorado.gov/ccjdir/ORS2/risk\\_assessment.htm](http://www.colorado.gov/ccjdir/ORS2/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: 

**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: 

**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 circle 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)\_\_\_\_\_



**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# / DOC# (circle ID type):</b>	
<b>DOB: (MM-DD-YYYY)</b>					
<b>Gender:</b> <input type="checkbox"/> Male <input type="checkbox"/> Female		<b>Ethnicity:</b> <input type="checkbox"/> Caucasian <input type="checkbox"/> African American		<input type="checkbox"/> Hispanic <input type="checkbox"/> Other	
<b>PO Name:</b> <i>(Does not apply to DOC cases)</i>			<b>PO Telephone Number:</b> <i>(Does not apply to DOC cases)</i>		
<b>Date Forwarded to SOMB Evaluator:</b> <i>(Does not apply to DOC cases)</i>			<b>Judicial District:</b> <i>(Does not apply to DOC cases)</i>		
<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:</b> <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**

The relationship categories are identified, but not defined, in state statute. The following definitions were provided by the Colorado Supreme Court in their recent 2013 cases to assist in the identification of sexually violent predators as outlined in 18-3-414.5 (III) C.R.S. These Colorado Supreme Court decisions have found that the Sex Offender Management Board (SOMB) was not given legislative authority to define the relationship criteria. **Therefore, final determination of relationship criteria rests with the sentencing court or the parole board.**

The SOMB notes that the relationship criteria section of the SVP assessment screening instrument, although required by the statute, is not based on research and is not related to the statistical probability of risk for re-arrest for a new sexual offense. However, the SOMB recognizes that the offender's relationship to the victim can have a significant impact on the level of trauma to the victim.

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.

**Identify which of the following, if any, relationship categories apply.**

**A. STRANGER**

The stranger relationship criterion "is satisfied where either the victim is not known by the offender or the offender is not known by the victim, at the time of the offense." When the trial court assesses whether or not the stranger criterion is met, "it should consider the context of the parties' relationship at the time of the offense." People v. Hunter, \_\_ P.3d \_\_ (Colo. 2013)(10SC146)(\*2).

Meets the **STRANGER** Criterion: Yes No

**B. ESTABLISHED A RELATIONSHIP**

An offender "establishes a relationship" with his victim primarily for the purpose of sexual victimization where he creates, starts, or begins a relationship primarily for that purpose. People v. Gallegos, \_\_ P.3d \_\_ (Colo. 2013)(09SC1084)(\*1).

Meets the **ESTABLISHED A RELATIONSHIP** Criterion: Yes No

**C. PROMOTED A RELATIONSHIP**

An offender "promotes a relationship" if, "excluding the offender's behavior during the commission of the sexual assault that led to his conviction, he otherwise encouraged a person with whom he had a limited relationship to enter into a broader relationship primarily for the purpose of sexual victimization." People v. Gallegos, \_\_ P.3d \_\_ (Colo. 2013)(09SC1084)(\*1).

Meets the **PROMOTED A RELATIONSHIP** Criterion: Yes No

**D. NONE OF THE ABOVE**

**DOES NOT** Meet Any Of The Above Relationship Criteria: 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)                                     |

<b>COLORADO</b>	<b>SEXUALLY VIOLENT PREDATOR</b>	<b>ASSESSMENT SCREENING INSTRUMENT</b>						
<b>P</b>	<b>Probation Officer or Trained DOC Staff Please Complete Parts 3A and 3B</b>	<b>P 6 of 7</b>						
<b>3A. PRIOR SEX CRIME CONVICTION</b>								
<p>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 <b>INCLUDES</b> court established factual basis sex crimes, hands off sexual offenses, Internet sex crimes and out of state sex crime convictions. This <b>EXCLUDES</b> deferred judgments and sentences, failure to register and juvenile adjudications. Please refer to the 2010 SVPASI handbook for further details regarding this item. <b>PROCEED TO PART 3B</b></p>		<input type="checkbox"/> Yes <input type="checkbox"/> No						
<b>3B. SOMB SEX OFFENDER RISK SCALE (SORS) 2009</b>								
<p>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. <b>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.</b></p> <p>Note that risk of rearrest for a new sexual offense remains unknown for women and persons with developmental disabilities because the research sample used to develop this instrument included too few of these individuals. Caution should be exercised in the use of this instrument with these populations. For more information, please see the SOMB White Paper on women and risk assessment (available at <a href="https://docs.google.com/a/state.co.us/file/d/0ByCqXGmcaW-aam1XTmliQnpudIU/edit?usp=sharing&amp;pli=1">https://docs.google.com/a/state.co.us/file/d/0ByCqXGmcaW-aam1XTmliQnpudIU/edit?usp=sharing&amp;pli=1</a>) and Standards 2.061DD, 2.70DD, and 4.210DD. <b>Evaluators using this instrument with women and persons with developmental disabilities shall also attach a document with an explanation of the scoring, limitations of the assessment, any relevant research, and a recommendation on whether the person should be identified as a Sexually Violent Predator.</b></p> <p>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.</p>								
<table style="width:100%; border: none;"> <tr> <td style="width: 30%; text-align: center;"><b>YES</b></td> <td style="width: 30%; text-align: center;"><b>NO</b></td> <td style="width: 40%;"></td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/> 2    <input type="checkbox"/> 1</td> <td style="text-align: center;"><input type="checkbox"/> 0</td> <td></td> </tr> </table>	<b>YES</b>	<b>NO</b>		<input type="checkbox"/> 2 <input type="checkbox"/> 1	<input type="checkbox"/> 0		<p><b>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.</b>  <i>Age at earliest event recorded in official records for the actual index/instant offense.</i></p>	
<b>YES</b>	<b>NO</b>							
<input type="checkbox"/> 2 <input type="checkbox"/> 1	<input type="checkbox"/> 0							
<input type="checkbox"/> 2	<input type="checkbox"/> 0	<p><b>2. The offender was known to the victim.</b> <i>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.</i></p>						
<input type="checkbox"/> 1	<input type="checkbox"/> 0	<p><b>3. The offender has been revoked from community supervision as an adult 2 or more times in the past.</b> <i>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.</i></p>						
<input type="checkbox"/> 1	<input type="checkbox"/> 0	<p><b>4. The offender had NOT graduated from high school at the time of arrest.</b> <i>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: _____</i></p>						
<input type="checkbox"/> 2	<input type="checkbox"/> 0	<p><b>5. The offender has one or more prior adult convictions.</b> <i>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).</i></p>						
<input type="checkbox"/> 1	<input type="checkbox"/> 0	<p><b>6. The offender moved 2 or more times in the 2 years prior to arrest for the actual index/current offense.</b> <i>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: _____</i></p>						
<b>TOTAL SCORE</b> (Add up the scores for the items checked in Part 3B)								
Total score of 8 or more: <input type="checkbox"/> Yes <input type="checkbox"/> No								
If the offender is a women or is developmentally disabled, does the evaluator agree with the recommendation to designate the offender an SVP? (Attach supporting documentation). <input type="checkbox"/> Yes <input type="checkbox"/> No								

**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"> <li>▪ 30 or more on the Psychopathy Check List Revised (PCL-R), <b>OR</b></li> </ul>	PCL-R score 30+	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>▪ 85 or more on <b>each</b> of the following Millon Clinical Multiaxial Inventory (MCMI-III) scales: narcissistic, antisocial, and paranoid, <b>OR</b></li> </ul>	MCMI-III score 85+	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>▪ 70 or more on <b>each</b> of the following Coolidge Correctional Inventory (CCI) scales: narcissistic, antisocial, and paranoid.</li> </ul>	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 ( <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 Prior Conviction Criterion ( <b>Part 3A</b> ) <b>OR</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No
Scored 8 or More on the DCJ SORS 2009 Scale ( <b>Part 3B</b> ) <b>OR</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No
Meets Mental Abnormality Criteria ( <b>Part 3C</b> )	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>DID OFFENDER MEET THE ABOVE SEXUALLY VIOLENT PREDATOR CRITERIA? IF SO, THE COURT/PAROLE BOARD SHALL MAKE A DETERMINATION REGARDING THE RELATIONSHIP CRITERIA AND DETERMINE SVP STATUS.</b>	<input type="checkbox"/> Yes <i>(Record this response on page 1 as well.)</i> <input type="checkbox"/> No

FOR MORE INFORMATION, CONTACT:  
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