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Attachment C

# SEXUALLY VIOLENT PREDATOR RISK ASSESSMENT SCREENING INSTRUMENT HANDBOOK

## Background & Instruction

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COLORADO DEPARTMENT OF PUBLIC SAFETY

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1999

# **SEXUALLY VIOLENT PREDATOR RISK ASSESSMENT SCREENING INSTRUMENT HANDBOOK**

## **Background and Instruction**

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The Office of Research and Statistics would like to thank the dozens of people who worked on the development and implementation of the sexual violent predator (SVP) criteria. Dedicated members of the Sex Offender Management Board, in particular, worked very hard to define subtle and overt aspects of dangerousness. Representatives from probation, parole, corrections, the parole board, and victims programs collaborated with the SOMB to develop risk criteria that supplements the empirically-based actuarial scale. Dr. Paul Retzlaff of the University of Northern Colorado provided excellent psychometric expertise and data analysis. Jefferson County Probation, Arapahoe Probation, Denver Probation, El Paso Probation, parole officers in Denver, and the staff of ComCor, Inc. were key participants in the actuarial research, as were dozens of private therapists who worked closely with the ORS to forward data on offenders in their programs. Implementation assistance from the Office of Probation Services was invaluable. We thank Vern Fogg, Leslie Smith, Suzanne Pullen, and Terri Morrison. Finally, thanks to probation officers and SOMB-approved evaluators who will complete the predator assessments and forward to the Court for final determination of SVP status. Also, special thanks to ORS staff who worked very hard to coordinate this activity: Jean McAllister, Diane Pasini-Hill, Sydney Cooley-Towel, Suzanne Gonzalez, and John Patzman; and thanks to Mary McGhee for her invaluable assistance with legislative material.

This collaborative activity is key to accomplishing effective containment of adult sex offenders. We, across professional disciplines and across a wide span of expertise, appreciate the extraordinary commitment of multiple agencies and private programs to continue improving the safety of our communities.



# INTRODUCTION

Special precautions should be taken in the community management of sexually violent predators. Pursuant to CRS 18-3-414.5, the Colorado Division of Criminal Justice's Office of Research and Statistics worked in consultation with representatives of the state Sex Offender Management Board (SOMB) to develop a risk assessment screening instrument for use in the identification of *sexually violent predators* (SVPs). The Office of Probation Services and the Office of Research and Statistics are working jointly to implement the use of the SVP Instrument among Probation Offices and Sex Offender Evaluators statewide.

Sex offenders designated as SVPs for crimes committed, after July 1, 1999, shall be required to register with local law enforcement officials every quarter whereas other sex offenders are required to register every year on their birthday. It is left to the discretion of the probation officer to include any convictions on or after January 1, 1999 to June 30, 1999. This registration will include, at minimum, the location of their residence at the time the offender last registered. Sex offender registration is a law enforcement tool implemented to assist in the criminal investigation of reported sexual assaults by ensuring that authorities have the names and descriptive information of past sex offenders residing in their jurisdiction. The registration list may be released to the public by the local police department upon request.

The intent of the Colorado statute 18-3-414.5 is to identify convicted sex offenders who will be considered a *sexually violent predator*. It is the purpose of the Sexually Violent Predator Instrument to clinically and empirically identify the most dangerous offenders. The legal determination of SVP status is at the discretion of the presiding judge.

Copies of a 40-minute training video describing how to complete the SVP form are available on loan from the Colorado Division of Criminal Justice. Please contact the Office of Research and Statistics at 303.239.4442.





# **BACKGROUND**

## **Legislation**

Colorado legislation was passed in 1996 regarding the identification and registration of sexually violent predators. A person convicted of at least one of the following offenses and found to be a sexually violent predator will be required to register quarterly rather than on a yearly basis. The five offenses include: Sexual Assault in the First Degree (18-3-402), Sexual Assault in the Second Degree (18-3-403), Sexual Assault in the Third Degree (felony convictions only) (18-3-404) (1.5 or 2), Sexual Assault on a Child (18-3-405) or Sexual Assault on a Child by one in a position of Trust (18-3-405.3).

## **Development**

Pursuant to CRS 18-3-414.5, the Colorado Division of Criminal Justice (DCJ) worked in conjunction with representatives of the state Sex Offender Management Board (SOMB) to develop clinical criteria and an empirical risk assessment scale for use in the identification of sexually violent predators. The violent predator risk assessment identification instrument is entitled the Colorado Sexual Predator Risk Assessment Screening Instrument. The clinical criteria were developed between July 1, 1998 and December 31, 1998 by representatives from the SOMB, Parole Board, the Division of Parole, the private treatment community, and victim services agencies. The actuarial scale was developed by the DCJ's Office of Research and Statistics (ORS) over a three-year period and will require periodic updating. Please refer to Section Two for a discussion of the actuarial risk scale research.

## **Implementation**

Pursuant to legislation, the Office of Probation Services in the Judicial Department and DCJ's Office of Research and Statistics, are responsible for implementing the predator instrument. Between January 1, 1999 and May 31, 1999, a team from both offices obtained feedback on the instrument from probation officers and evaluators from across the state, and also pretested the instrument. Ongoing feedback may be faxed to the Office of Research and Statistics (fax 303.239.4491).

## **Participation**

The SOMB is composed of representatives from the Judicial Department, the Department of Corrections, the Department of Human Services, the Department of Public Safety, Division of Criminal Justice, the Supreme Court, and the Community Corrections Board. It also includes licensed mental health professionals with recognized expertise in the treatment of sex offenders, a district attorney, a public defender, a law enforcement representative, victim's rights advocates and a clinical polygraph examiner. Staff of DCJ's ORS were mandated by statute to develop the predator instrument and, with consultation from the Office of Probation Services, to implement the tool statewide.

# **HOW TO USE THIS HANDBOOK**

Probation officers and Sex Offender Management Board (SOMB) evaluators must work together to complete the predator assessment.

Section One provides instructions for completing the instrument.

Section Two provides a description of the research study and findings that resulted in the development of Part 3 of the Sexual Predator Risk Assessment Screening Instrument, the DCJ Sex Offender Risk Scale.

Statutory directives are included in Appendix A. Appendix B includes the SVP assessment tool, and Appendix C provides a flowchart for completing the SVP assessment tool.

**SECTION ONE: INSTRUCTIONS FOR  
COMPLETING THE SEXUAL  
PREDATOR RISK ASSESSMENT  
SCREENING INSTRUMENT**



# **INSTRUCTIONS** *(page 2 of the instrument)*

## **Probation Officers**

Probation officers are to complete Part 1 and items 1-6 of Part 3. When these sections are completed, probation officers are to forward the form and copies of any police reports and victim statements to the approved Sex Offender Management Board evaluator. If the accompanying documentation is not available, it is the responsibility of the probation officer to explain the absence of these materials on the provided space. The ORS is tracking the availability of these documents to the treatment provider.

## **SOMB Evaluators**

The Sex Offender Management Board evaluator, is selected by the probation officer pursuant to the SOMB's *Statewide Standards*. The evaluator is required to complete Part 2, items 7 - 10 on Part 3 and Part 4 of the instrument. Upon completion of the form, the evaluator will return it to the probation officer with the mental health sex offense specific evaluation. Both the evaluation and the predator assessment will be attached to the PSIR. **Where necessary, the evaluator must expand the data obtained during the evaluation to acquire the information necessary to complete the form.**

## **Data Sources**

A list of potential data sources is provided on page 2 of the instrument for use by both the probation officer and SOMB evaluator when completing the assessment screening instrument. **It is important that the data source be clearly identified and documented as requested on the instrument.** The form will become a formal part of the court record and officials may be asked to testify on the source of the information used to classify the offender. If the necessary information is not available to complete the form, the probation officer and the evaluator must work together to obtain all relevant data.





## **PART I** *(page 3 of the instrument)*

**\*** *Entire section is to be filled out by the probation officer.*

### **Client Information**

Please ensure that all of the requested client information is provided. This data will assist in the ongoing research and analysis of sexually violent predators.

- SS# = Social Security Number
- SID# = State Identification Number

### **Defining Sexual Assault Crimes**

The offender must be **convicted on or after July 1, 1999** of at least one of the five listed crimes. It is left to the discretion of the probation officer to include any convictions on or after January 1, 1999 to June 30, 1999.

- Sexual Assault in the First Degree (18-3-402)
- Sexual Assault in the Second Degree (18-3-403)
- Sexual Assault in the Third Degree (felony convictions only)(18-3-404)(1.5 or 2)
- Sexual Assault on a Child (18-3-405)
- Sexual Assault on a Child by one in a position of Trust (18-3-405.3).



## **PART 2** (page 4 of the instrument)

\* Entire section is to be completed by the SOMB evaluator.

Please continue with Part 3 even if the offender does not meet the Stranger, Established a Relationship or Promoted a Relationship criteria.

### **Stranger**

- Please check either the "Yes" or "No" box presented after the statement "Meets STRANGER Criterion."
- A data source must be documented in this section whether they met the criterion or not. Refer to page 2 for the possible data sources.
- If the offender *met* this criterion, the SOMB evaluator completes the Summary of Relationship Information and proceeds to Part 3 of the Risk Assessment Screening Instrument. If the offender *did not meet* this criterion, the SOMB evaluator must continue to the ESTABLISHED A RELATIONSHIP criterion.

### **Established a Relationship**

At least two of the listed criteria must be checked in order to affirm that the offender established a relationship with the victim.

- *Offender has a history of multiple victims and similar behavior* - a history of multiple victims does not require official records such as self reports, clinical records, or criminal justice records.
- *Offender has actively manipulated the environment to gain access to this victim* - this includes use of the offender's residence, workplace, and leisure activities. Use of the Internet to gain access to the victim is also included within this criteria.
- *Introduction of sexual content in the relationship* - this criteria indicates that content such as inappropriate sexual discussions or pornographic material was introduced into the relationship. The introduction of sexual content is a deliberate attempt to gauge the victim's interest or curiosity in sexual issues. This criterion should not be confused with the one listed below referring to *sexual contact*.
- *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* - Non-consensual activity is the emphasis of this criterion. Not only a lack of consent must be taken into consideration, but also the inability of an individual

to give appropriate consent. Individuals who are under the legal age for giving consent or who are developmentally disabled would fit this criteria.

- Please check either the "Yes" or "No" box presented after the statement "Meets Established Criteria:".
- **A data source must be documented whether they met the criterion or not.** Refer to page 2 of the instrument for the possible data sources.
- If the offender *met* this criterion, the SOMB evaluator completes the Summary of Relationship Information and proceeds to Part 3 of the Risk Assessment Screening Instrument. If the offender *did not meet* this criterion, the SOMB evaluator must continue to the PROMOTED A RELATIONSHIP criterion.

## Promoted a Relationship

As stated in this section, the presence of the first item and the presence of any one or more factors will make the determination for this criterion. The SOMB evaluator must check the first item to proceed to the other factors.

- *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* - There must be an existing relationship between the offender and victim such as parental, step-parent, intimate partners, co-workers, or teacher/student.
- *Offender engaged in contact with the victim that was progressively more sexually intrusive* - the emphasis of this criterion is the sexually intrusive nature of the relationship.
- *Offender used or engaged in threat, intimidation, force or coercion in the relationship* - the use of such behavior makes the victim more vulnerable.
- *Offender engaged in repetitive non-consensual sexual contact* - Not only a lack of consent must be taken into consideration, but also the inability of an individual to give appropriate consent. Individuals who are under the legal age for giving consent or who are developmentally disabled would fit this criterion.
- *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* - the emphasis of this criterion is the establishment of control over the victim by altering the relationship by inflicting abuse of some sort.

- Please check either the "Yes" or "No" box presented after the statement "Meets Established Criteria:".
- **A data source must be documented whether they met the criterion or not.** Refer to page 2 of the instrument for the possible data sources.
- Please proceed to the SUMMARY OF RELATIONSHIP INFORMATION whether or not the offender met this criterion.

### **Summary of Relationship Information**

Based upon the preceding determinations of the offender's status as a STRANGER, ESTABLISHED A RELATIONSHIP or PROMOTED A RELATIONSHIP, the SOMB evaluator is required to summarize the results in this section. Please check either the "Yes" or "No" box for each criterion.

- Proceed to Part 3.



## **PART 3** *(page 6 of the instrument)*

### **DCJ Sex Offender Risk Scale (SORS)**

The first four items of this risk scale refer to the offender's historical information. The next three items refer to the current crime. Lastly, questions eight through ten are based upon three of the scales found on the SOMB checklist. This checklist is provided following Part 3 of the instrument.

\* *Probation officers are required to complete items 1 through 6.*

\* *SOMB evaluators are responsible for items 7 through 10.*

*A data source must be provided for each item, regardless if the offender meets the criterion.*

- **ITEM #1:** This element does not include misdemeanors or deferred judgments. It refers to juvenile adjudications, court actions that would have resulted in a felony conviction if the offender was an adult. (Probation Officer)
- **ITEM #2:** As stated on the scale, this item includes attempts/conspiracies and deferred judgements/sentences. (Probation Officer)
- **ITEM #3:** Offender must be working a total of 35 hours for at least one year to be considered a full time employee. Someone who is retired would not be considered full time. Employment status must be taken at the point of arrest for the current crime. (Probation Officer)
- **ITEM #4:** The offender must have been held back one or both of these grades in school. It does not refer to the possession of poor grades. It does not matter how many times the offender was held back in first or second grade. Failing any other grade level does not count. (Probation Officer)
- **ITEM #5:** A weapon was present and is defined as a gun, knife, or object that could be used to intimidate or harm a victim. The offender need only to possess the weapon during the crime, not use the weapon. If the victim was lead to believe that a weapon was present, regardless if it was score this criterion "yes". (Probation Officer)
- **ITEM #6:** The ingestion of alcohol or drugs by the offender has no relevance when determining this criterion. (Probation Officer)
- **ITEM #7:** This refers to male offenders only. Very few women were included in the study sample. (SOMB Evaluator)

- **ITEMS #8 - 10:** The information needed to answer these criteria is found on the SOMB checklist. Even though only three scales are required for the risk scale (Denial, Deviancy and Motivation) SOMB evaluators are required to complete the entire checklist and forward it with the SVP materials. Clarification of the Denial, Deviancy and Motivation scales is provided below. (SOMB Evaluator)

#### ***DENIAL SCALE (from SOMB Checklist)***

***Denies actual facts of offense*** - Offender does not agree with the stated facts regarding his/her conviction.

***Denies wrongness of actions*** - Offender does not acknowledge that his actions were inappropriate, wrong, or adversely affected his or her victim(s).

***Minimizes prior offenses*** - Offender does not indicate the relevance of prior offenses.

***Portrays self as victim*** - Offender views himself as the victim of current or past circumstances that led to his current life problems.

***Blames others for the crime*** - Offender expresses that others carry some or any responsibility for the current offense.

***Holds grudge against "system"*** - Offender expresses frustration about official intervention resulting from this crime.

***Says victim "wanted it"*** - Offender believes that the victim desired the actions that were administered by the offender.

***Says therapy is unnecessary*** - Offender does not believe that any therapy, counseling, or treatment is needed.

#### ***DEVIANT SEXUAL PRACTICES SCALE (from SOMB Checklist)***

***Has no socially appropriate sexual outlet*** - Offender has no realistic opportunities to engage in healthy, consenting, age-appropriate and power equivalent sex.

***Engages in many forms of deviant sexuality*** - Offender has participated in a wide variety of deviant, perhaps criminal, sexual behavior.

***Obsessed with deviant sexual practices*** - Offender is significantly preoccupied with thoughts of socially unacceptable and possible criminal sexual practices.

***Engages in bizarre sexual practices*** - Offender participates in unusual, aberrant, unconventional, or peculiar sexual behavior.



- Poor control of sexual behavior** - Offender has difficulty controlling his/her sexual impulses.
- Talks constantly about sex** - Offender is unable to refrain from discussing sexual topics or regularly sexualizes the content of conversation.
- Nothing seems "off limits" sexually** - Offender does not view any type of sexual activity as unreasonable.
- Masturbation is compulsive or excessive** - Offender's masturbation activity seems uncontrollable, unrestrained, or compelling.

**MOTIVATION SCALE** (from SOMB Checklist)

- Verbalizes desire for treatment** - Offender express that he/she is willing to, would like to, or would benefit from participation in sex offender treatment.
- Agrees with court order for intervention** - Offender does not resist intervention services.
- Pays attention to evaluator** - Offender listens to the SOMB approved evaluator and is engaged in the interactions with the evaluator(s).
- Arrives for appointments on time** - Offender is punctual for scheduled appointments.
- Is positive about evaluator's testing** - Offender is willing and non-resistant to the evaluator's methods of testing.
- Actively participates in evaluation** - Offender is involved in the evaluation process.
- Completes evaluation requirements** - Offender fulfills the necessary tasks and assignments required to complete the evaluation process.
- Seeks additional help** - Offender reaches out, or indicates a willingness to reach out, to obtain external assistance and support in a prosocial fashion.

- Continue onto Part 4.

Section Two of this handbook provides an overview of the research design and discusses each item in the risk scale.



## **PART 4** *(page 7 of the instrument)*

**\*** *The SOMB evaluator is required to complete this section.*

### **Mental Abnormality**

The SOMB evaluator's determination of mental abnormality must be based upon either the Psychopathy Check List Short Version (PCL-SV), PCL-R or the MCMI-III.

The offender meets the mental abnormality criterion when he scores:

- 18 or more on the Psychopathy Checklist Screening Version (PCL:SV), **OR**
- 30 on the PCL-R, **OR**
- 85 or more on **each** of the following MCMI3 scales - narcissistic, antisocial, and paranoid.
  
- Indicate the data source by circling the appropriate instrument on the form.



## **SECTION TWO: ACTUARIAL RISK RESEARCH**

The research design was the product of the SOMB's Risk Assessment Subcommittee working collaboratively with the ORS. The research study described here exemplifies the multi-agency, multi-disciplinary collaborative process necessary for meaningful sex offender containment strategies. The Colorado Adult Sex Offender Risk Assessment Scale (SORS) is one product from this collaborative research effort.

Factors that predict risk vary considerably across studies because the studies and the samples vary considerably in a number of ways. First, studies often vary in how risk and recidivism are defined. Recidivism may be defined as: rearrest for any crime; violent rearrest; violent conviction; sex crime rearrest; or sex crime conviction and recommitment. These common measures rely on official records of police and criminal justice system intervention. Official record data will always under-report actual offending behavior because many sex offenses go unreported. A less common outcome variable is treatment or supervision compliance, a measure that does not depend completely on official records. This is the outcome measure used in the current study and it is discussed in greater detail later in this section.

Most study groups represent institutionalized sex offenders (usually in prison or in mental health institutions). Many studies use the conviction crime to identify the sample, i.e., rapists/child molesters/incest perpetrators, and risk is defined differentially according to the separate groups. Research underway by the Colorado Department of Corrections (Alhmeyer, Heil et al, in press) and the ORS (English and Wensuc, in progress) using polygraph data suggest these groupings by conviction categories do not represent offense behavior. Significant heterogeneity exists in offending patterns: Based on sexual history information obtained from Colorado prisoners and parolees, 45% of stranger rapists also sexually assault people they know, and 68% of offenders who were relatives of the victims offended against non-relatives.

Another important research challenge involves the availability of data across jurisdictions. If available, does the data vary in reliability, completeness, and accuracy? Characteristics of offenders vary across studies, too. Predictive risk models will, of course, include only those

factors that were identified as important to study when the research project was designed.

Finally, the at-risk study period varies considerably across studies. The longer the at-risk period, the greater the likelihood of failure. Typical observation periods range from 2 to 5 years. In the current study, described below, a 12 month follow-up period was used due to legislation requiring the development of the scale by January 1, 1999. Recidivism data will continue to be collected by the ORS on behalf of the SOMB in future years, as funding allows. Analysis of the current data set will continue beyond the submission of this report. Over time, the risk instrument may be modified, or additional risk instruments may be constructed using different outcome measures.

With this information in mind, and with on-site research design consultation by Dr. R. Karl Hanson from the Corrections Research Department of the Solicitor General of Canada and Dr. James Breiling, manager of the Sexual Violence Research Program at the National Institute of Mental Health, U.S. Department of Health, the ORS worked with the SOMB to design and implement a risk assessment study that would be applicable to sex offenders in Colorado who were serving sentences on probation, in community corrections, in prison and parole.

## **The Theory Behind Statistical Risk Prediction**

Statistical predictions of behavior sort individual offenders into subgroups which have different rates of repeat offenders. *Individual behavior* is not being predicted. Rather, statistical risk tools predict an individual's *membership in a subgroup* that is correlated with future offending. Individuals falling into a statistically determined high risk group may be considered dangerous, whether or not the person actually reoffends upon release.

# Summary of the Current Study Design

## DESCRIPTION OF THE SAMPLE

The sample consisted of adult sex offenders who were placed on probation supervision, in community corrections (court diversion or prison transition), parole, and prison treatment (Phase One and Phase Two) in the following jurisdictions between December 1, 1996 through November 30, 1997. A total of 494 cases from the following jurisdictions participated in the study:

- Probation Districts:
  - 18<sup>th</sup> (Arapaho County)
  - 2<sup>nd</sup> (Denver County)
  - 4<sup>th</sup> (El Paso County)
  - 1<sup>st</sup> (Jefferson County)
  
- Community Corrections:
  - ComCor, Inc. in El Paso County
  
- Parole:
  - Denver County
  - El Paso County
  
- Prison:
  - Sex Offender Treatment Program, Phase One, Fremont Correctional Facility
  - Sex Offender Treatment Program, Phase Two, Arrowhead Correctional Facility

Phase One of the Department of Corrections' SOTP (Sex Offender Treatment Program) is a six month education program for inmates who volunteer for sex offender treatment. It is a prerequisite for entering Phase Two. Phase Two is a prison-based therapeutic community. Participants are involved in treatment activities for at least four hours each day.

These jurisdictions and programs were selected because the sites, in general, processed the largest number of sex offender cases in the state. Because the need for risk assessment crosses dispositions, probation, community corrections, prison and parole were all selected so that implementation barriers (data access, data completion, the feasibility of filling out certain data collection forms) would be identified and, if possible, overcome.

The total number of cases from each site is as follows:

Probation	218
Department of Corrections	224
Parole	<u>47</u>
Total	494

## **DATA COLLECTION**

Data were collected on a number of dimensions considered to be related to failure in sex offender treatment and reoffense, according to the research literature and the clinical experience of members of the SOMB Assessment Committee. The constructs that the group agreed to attempt to measure were:

- Personality Descriptions
- Psychopathy
- Cognitive Distortions
- Criminal History
- Juvenile Criminal History
- Sexual History
- Characteristics of the Current Offense
- Demographic Information
- Substance Abuse History
- Dynamic Indicators of:
  - Motivation for Treatment
  - Denial
  - Empathy
  - Readiness to Change
  - Social Competence and Relationships
  - Deviancy
  - Pro-Social Behaviors

The current study design allowed for measures of both static and stable dynamic variables for predictor variables.<sup>1</sup> Working with private treatment providers in the Denver Metro Area and Colorado Springs, and the clinical staff of the Sex Offender Treatment Program of the Department of Corrections, the following data collection instruments were used.

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<sup>1</sup> Acute and Immediate factors require ongoing surveillance by the supervising officer and careful monitoring of the treatment contract.



1. **Personality Disorders.** The MCMI-III<sup>2</sup>, a personality inventory scored on all inmates entering the Department of Corrections. This is a 240-item client self-report questionnaire that identified eighteen different personality or mental health diagnoses. Therapists were responsible for obtaining the MCMI forms from DCJ researchers, asking the offender to complete the form, and returning the form to DCJ for data entry and analysis. A total of 274 MCMI instruments were analyzed for this study.
2. **Psychopathy.** The HARE Psychopathy Scale, Short Version (PCL-SV)<sup>3</sup>, identifies a particular dimension of dangerousness, and has been tested in a variety of countries, including Canada, New Zealand, and Australia. Offenders who score 18 or above on this scale have been found to be at considerable risk for violent reoffense. The SOMB invited Dr. Robert Hare and Dr. Steven Hart to Colorado for a 3-day training for therapists who agreed to participate in the study and paid for their certification in the use of the tool. The PCL-SV forms were supplied to therapists by the SOMB (using research grant funds) for completion of study cases and were returned to DCJ for data entry and analysis. A total of 196 PCL-SV forms were analyzed.
3. **Sexual History.** Dr. Jack Gardner, a member of the SOMB Research Assessment Committee, developed a Sexual History Questionnaire based on a literature review, clinical discussions with Committee members, and Dr. Gardner's experience. This 50-item questionnaire was completed by the therapists after the offender had entered treatment. 190 of these forms were returned to DCJ for analysis. This instrument proved to be extremely valuable and will be included in the SOMB's future data collection and case tracking research mandated by the General Assembly.
4. **DCJ Criminal Justice Data Collection Form.** This data collection instrument had been used by ORS researchers for more than a decade. Its focus is demographic items, juvenile and criminal history, current crime factors, victim characteristics, substance abuse and other case descriptions that are typically used by

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<sup>2</sup> The MCMI-III is the Millon Clinical Multiaxial Inventory, version three, by Theodore Millon, Carrie Millon and Roger Davis, available from National Computer Systems, phone 800.627.7271.

<sup>3</sup> Hare, R.D. (1991). *Manual for the Hare Psychopathy Checklist - Revised*. Toronto, Ontario, Canada: Multi-Health Systems.

decision makers who handle the case. ORS researchers used this form to collect data on 460 offenders in the study.

5. **CO-SOMB Checklist.** The SOMB Research Assessment Committee identified several clinical issues that they believed were central to dangerousness. The Committee worked with Dr. Paul Retzlaff, an expert in psychometrics from the psychology department of University of Northern Colorado, to develop an instrument that could capture and quantify these dynamic factors. The Committee identified *Motivation for Therapy, Level of Denial, Level of Empathy, Readiness to Change, Interpersonal Competence, Positive Social Support, Deviant Sexual Practices, and Lifestyle Stability/Treatment Compliance* (the group called this Taking Care of Business). Dr. Retzlaff constructed, with the group's considerable input, an instrument with 8-item subscales, (each with a 1 through 5 measure) describing each dimension. Therapists were instructed to score the offender on the SOMB Checklist during the first month of treatment. A total of 232 forms were completed during the first month of treatment and were analyzed for this study.
  
6. **Polygraph disclosures.** ORS researchers obtained polygraph data when it was available (152 cases) in an effort to better understand the relationship between polygraph disclosures and risk. Because the data were unavailable in many cases, analysis of this information was considerably limited. Information from polygraph reports will be collected on this sample in the future.

## **OUTCOME MEASURES**

Because of the short follow-up period of 12 months, many outcome variables were collected. Information was collected concerning whether or not the offender had:

- Committed a new crime (sex crime or other crime),
- Been revoked from supervision, was revoked and reinstated,
- Been revoked and placed on ISP, was revoked with the case pending,
- Been terminated from treatment for noncompliance,
- Been expelled from treatment and readmitted,
- Absconded supervision,
- Successfully completed supervision/treatment,
- Transferred out-of-state,
- Died, or
- Was still in treatment.

The therapists' opinion of the case as doing well, having problems, or being on the brink of failure was also collected. Many of these items will serve as interim variables for future analyses as ORS continues to collect outcome data on this sample.

Outcome data were collected by ORS researchers reviewing electronic rap sheets (the Colorado Crime Information Center and the National Crime Information Center). Because very few offenders were expected to fail by this measure in one year, additional data were collected by interviewing each supervising officer, therapists, or both to obtain details about the status of each case that had not been rearrested.

Considerable support in the literature exists for using revocation and treatment failure variables as sex offender risk indicators. These failures in supervision and treatment are significantly related to future rearrest. Marques et al. (1994), in the most carefully designed and executed study of sex offender treatment effects of an incarcerated population, found noncompliance with treatment to predict rearrest in the community. Epperson et al. (1995), Hanson et al. (1993), Lab et al. (1993), Pierson (1989), and Reddon (1996) have found offenders to be at high risk when they fail to comply with institutional treatment. Hall (1995), Lab (1993) and Money and Bennet (1981) found noncompliance with community supervision to indicate high risk. Pithers, Beal and Buell (1988) found anger, anxiety, and depression to precede sex crimes and have explicitly defined the risk cycle as: negative affect → paraphiliac sexual fantasy → cognitive distortions → passive planning just before the assault. MacCulloch et al. (1983) identified planning and behavioral referral to precede the assault. Hanson's recent work on dynamic variables found social adjustment, substance abuse, sexual pre-occupations, victim blaming, self-management – that is "sees self at no risk", "access to victim", and cooperation with supervision (disengaged, manipulative, no show/late, and overall cooperation) to be significantly positively related to committing a new sex offense.

## Research Findings

### DESCRIPTION OF THE SAMPLE

The sample consisted of offenders convicted of the following crimes:

Sex Assault (1,2,3) Degree)	26.0%
Sexual Assault on Child	54.4
Exposure	2.2
Assault	1.7
Kidnapping	2.5
Exploitation/Del. of Minor	3.2
Other	<u>10.0</u>
TOTAL	100.0%

Eighty percent (80%) of the sample consisted of adult sex offenders meeting the definition of Sexual Predator Crimes pursuant to S.B. 97 (84), i.e., convicted of one of five felony sex crimes: first, second or third degree sexual assault, sexual assault on a child, or sexual assault on a child by a person in a position of trust.

At risk to fail was defined as: revocation, revocation pending, negative treatment termination, absconded, commission of a next sex crime, and being on the brink of failure according to the supervising officer or prison therapist. Even if the case was revoked and reinstated, or terminated for treatment noncompliance and reinstated, the cases were considered at risk to fail and so designated to have a negative outcome.

This definition was used for a variety of reasons. First, the follow-up period was short (12 months), which was required by the length of the research grant and the January 1, 1999 completion date mandated by S.B. (97) 84. Second, the literature supports the empirical link between failure under supervision and rearrest. Research conducted by the sex offender treatment program at the Colorado Department of Corrections (from which nearly half of the sample is drawn) documents the link between treatment failure, dropping out, and rearrest. Third, at-risk behavior defined by the therapist or supervising officer may be the measure least contaminated by the official criminal justice system process. Inasmuch as rearrest may be a better (not to mention earlier) measure of new criminal behavior compared to reconviction (which is tied to evidence and witnesses) and recommitment (which is often tied to criminal history or criminal justice status), revocation or on-the-brink behavior reflects early indicators of problems. Problems of almost any

kind are related to risk of reoffense, according to Hanson's (1998) study of dynamic predictors. Notable exceptions are problems related to life stress, length of treatment, and lack of access to fun and relaxation.

Using this definition of failure, 54% of the sample had failed in one year. The remaining 46% are considered "ok so far" and we will continue to track the status of all of the offenders in the sample in coming years. The breakdown of outcome findings is presented below.

## OUTCOME INFORMATION

	OKSOFAR	FAILURE
Probation	59% (129)	41% ( 89)
DOC	34% ( 78)	66% (151)
Parole	47% ( 22)	53% ( 25)
TOTAL	46% (229)	54% (265)

For purposes of comparison, consider the meta-analysis conducted by Hanson and Bussiere (1996) of 61 studies of sex offender rearrest or reconviction. The studies averaged a follow-up period of 4-5 years, and Hanson and Bussiere found 13.4% recidivated with a sexual offense. According to their original crime of conviction, 18.9% of rapists and 12.7% of child molesters committed a new sex crime. Overall, 36.3% recidivated with any crime (46.2% for rapists, 36.9% for child molesters).

During the developmental stages of the Sexually Violent Predator Instrument, staff from the Office of Probation Services and the Division of Criminal Justice conducted forums to receive feedback and questions regarding the instrument. Confusion surfaced regarding the criteria listed on the risk assessment portion. Clarification for each item is provided below.

**Item #1:** This element does not include misdemeanors or deferred judgments. It refers to juvenile adjudications, court actions that would have resulted in a felony conviction if the offender was an adult.

**Item #2:** As stated on the scale, this item includes attempts/conspiracies and deferred judgements/sentences.

**Item #3:** Offender must be working a total of 35 hours for at least one year to be considered a full time employee. Someone who is retired would not be considered full time. Employment status must be taken at the point of arrest for the current crime. An increased amount of down-time for offenders indicated a greater chance of re-offending.

**Item #4:** The offender must have been held back one or both of these grades in school. It does not refer to the possession of poor grades. It does not matter how many times the offender was held back in first or second grade. Failing any other grade level does not count. Data were only collected on first and second grades and not any other grade levels.

**Item #5:** A weapon was present and is defined as a gun, knife, or object that could be used to intimidate or harm a victim. However, the offender need only to possess the weapon during the crime, not use the weapon. Even if the victim was lead to believe that a weapon was present an offender would score on this criterion.

**Item #6:** The ingestion of alcohol or drugs by the offender has no relevance when determining this criterion. Alcohol or drugs could have been ingested before or during the offense.

**Item #7:** This refers to male offenders only. Very few women were included in the study sample. Sexual arousal refers to an erection. The erection must have been sustained throughout the sexual assault.

**Item #8: Denial Scale from the SOMB Checklist**

*Denies actual facts of offense* - Offender does not agree with the stated facts regarding his/her conviction.

*Denies wrongness of actions* - Offender does not acknowledge that his actions were inappropriate, wrong, or adversely affected his or her victim(s).

*Minimizes prior offenses* - Offender does not indicate the relevance of prior offenses.

*Portrays self as victim* - Offender views himself as the victim of current or past circumstances that led to his current life problems.

*Blames others for the crime* - Offender expresses that others carry some or any responsibility for the current offense.

*Holds grudge against "system"* - Offender expresses frustration about official intervention resulting from this crime.

*Says victim "wanted it"* - Offender believes that the victim desired the actions that were administered by the offender.

*Says therapy is unnecessary* - Offender does not believe that any therapy, counseling, or treatment is needed.

**Item #9: Deviant Scale from the SOMB Checklist**

*Has no socially appropriate sexual outlet* - Offender has no realistic opportunities to engage in healthy, consenting, age-appropriate and power equivalent sex.

*Engages in many forms of deviant sexuality* - Offender has participated in a wide variety of deviant, perhaps criminal, sexual behavior.

*Obsessed with deviant sexual practices* - Offender is significantly preoccupied with thoughts of socially unacceptable and possible criminal sexual practices.

*Engages in bizarre sexual practices* - Offender participates in unusual, aberrant, unconventional, or peculiar sexual behavior.

*Poor control of sexual behavior* - Offender has difficulty controlling his/her sexual impulses.

*Talks constantly about sex* - Offender is unable to refrain from discussing sexual topics or regularly sexualizes the content of conversation.

*Nothing seems "off limits" sexually* - Offender does not view any type of sexual activity as unreasonable.

*Masturbation is compulsive or excessive* - Offender's masturbation activity seems uncontrollable, unrestrained, or compelling.

**Item #10: Motivation Scale from the SOMB Checklist**

*Verbalizes desire for treatment* - Offender express that he/she is willing to, would like to, or would benefit from participation in sex offender treatment.

*Agrees with court order for intervention* - Offender does not resist intervention services.

*Pays attention to evaluator* - Offender listens to the SOMB approved evaluator and is engaged in the interactions with the evaluator(s).

*Arrives for appointments on time* - Offender is punctual for scheduled appointments.

*Is positive about evaluator's testing* - Offender is willing and non-resistant to the evaluator's methods of testing.

*Actively participates in evaluation* - Offender is involved in the evaluation process.

*Completes evaluation requirements* - Offender fulfills the necessary tasks and assignments required to complete the evaluation process.

*Seeks additional help* - Offender reaches out, or indicates a willingness to reach out, to obtain external assistance and support in a prosocial fashion.

The reliability coefficients (alpha) for the SOMB Checklist Scale ranged from .74 to .94. Due to time constraints, therapists were not formally trained on the use of this form, and written instructions were not included. These reliability statistics suggest that this Checklist may be a useful addition to sex offender management because high scores (above 20) on any of the categories target specific areas for intervention. In Colorado, therapists evaluating sex offenders per the SOMB statewide standards for sex offender management will be required to use this form as part of the evaluation process. The forms will be forwarded to DCJ for analysis, so we will continue to learn about and improve the Checklist. The reliability coefficients for the SOMB Checklist are presented below (the number of checklist cases ranged from 222 to 226).

<b>CO-COMB Checklist</b>	<b>alpha</b>
Social Skills	.91
Motivated for Treatment	.91
Interpersonal Competence	.90
Lifestyle Stability	.89
Readiness to Change	.94
Level of Denial	.74
Level of Empathy	.91
Deviant Sexual Practices	.91

**The HARE Psychopathy Scale** (Short Version) significantly correlated with the outcome measure as follows:

Hare Factor One	.30 (p < .01)
Hare Factor Two	.16 (p < .05)
Hare TOTAL Score	.28 (p < .01)

Factor One measures personality characteristics such as selfishness and narcissism. It taps the psychological dimension of an individual. Factor Two measures behavior, such as criminal history, and it reflects the extent to which a person is engaged in an antisocial lifestyle. Using revocation as an outcome measure, personality traits, as measured by Factor One, are more predictive of failure, but Factor Two is also significantly related to outcome. This finding must be considered preliminary and viewed with caution since only 29 offenders scored 18+ on the Psychopathy Checklist. Despite the small number of cases scoring in the psychopathic range, this group proved to be at very high risk: 24 out of the 29 offenders (82.8%) had a negative outcome within 12 months.



The MCMI calculates 26 personality subtypes. Factor analyses were conducted to determine if any of the subtypes "clustered" within the study sample, but this analysis proved unproductive. Twelve subtypes were identified as adding useful information about the sample: Schizoid, Narcissistic, Anti-Social, Sadistic, Negativistic, Schizotypal, Paranoid, Alcohol Abusive, Drug Abusive, Post-Traumatic Stress Disorder, Thought Disorder, and Delusional Disorder.<sup>4</sup> Analysis of the MCMI data identified a valuable method for applying the MCMI data on this sample that is not dependent on specific MCMI diagnoses. Rather, this approach uses the *number* of diagnoses an individual scores on the MCMI. Two-thirds (67.4%, n = 64) of the group of offenders that scored *three or more MCMI diagnoses* failed on the outcome measure, and the probability of failure averaged a probability of failure exceeding 71%. Those who had zero, one or two diagnoses had a relatively equal chance (approximately 50-50 on each score) of falling into the OKSOFAR category or the Revoked/On-The-Brink category. The ORS will continue to conduct statistical analyses of the relationship between MCMI personality categories and sex offender risk.

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<sup>4</sup> Two MCMI subtypes were excluded because they were significantly related to errors in prediction in the final regression model. The Self-Defeating subscore increased the rate of false negatives (those predicted to succeed who actually failed) and Anxiety increased the rate of false positives (those predicted to fail who actually succeed).



## APPENDIX A: STATUTES

**C.R.S. 18-3-414.5 Sexually violent predator.** As used in this section unless the context otherwise requires:

- (1) "Sexually violent predator: means an offender:
  - (a) Who is eighteen years of age or older as of the date of 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.;
  - (b) Who has been convicted on or after January 1, 1999 of one of the following offenses:
    - (I) Sexual assault in the first degree, in violation of section 18-3-402;
    - (II) Sexual assault in the second degree, in violation of section 18-3-403;
    - (III) Sexual assault in the third degree, in violation of section 18-3-404 (1.5) or (2);
    - (IV) Sexual assault on a child, in violation of section 18-3-405: or
    - (V) Sexual assault on a child by one in a position of trust, in violation of section 18-3-405.3;
  - (c) 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
  - (d) Who, based upon the results of a risk assessment screening instrument 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 (1), C.R.S., is likely to subsequently commit one or more of the offenses specified in paragraph (b) of this subsection (1) under the circumstances described in paragraph (c) of this subsection (1).
- (2) "Convicted" includes having pleaded guilty or nolo contendere.

*Source: L. 97: Entire section added, p.1564, § 10, effective July 1. L. 98: Entire section amended, p.397, § 2, effective April 21.*

**16-11.7-103 Sex offender management board – creation- duties- repeal.**

- (1) There is hereby created, in the department of public safety, a sex offender management board that shall consist of fifteen members. The membership of the board shall consist of the following persons:
  - (a) One member representing the judicial department appointed by the chief justice of the supreme court;
  - (b) One member representing the department of corrections appointed by the executive director of such department;
  - (c) One member representing the department of human services appointed by the executive director of such department;
  - (d) One member representing the department of public safety, division of criminal justice, appointed by the executive director of such department;
  - (d.5) One member appointed by the chief justice of the supreme court who is a judge;
  - (e) (Deleted by amendment, L.94, p.2651, § 125, effective July 1, 1994.)
  - (f) Three members appointed by the executive director of the department of public safety who are licensed mental health professionals with recognizable expertise in the treatment of sex offenders;
  - (g) One member appointed by the executive director of the department of public safety who is a district attorney;
  - (h) One member appointed by the executive director of the department of public safety who is a member of a community corrections board;
  - (i) One member appointed by the executive director of the department of public safety who is a public defender;
  - (j) One member appointed by the executive director of the department of public safety who is a representative of law enforcement;
  - (k) Two members appointed by the executive director of the department of public safety who are recognized experts in the field of sex abuse and who can represent sex abuse victims and victim's rights organizations; and
- (2) One member appointed by the executive director of the department of public safety who is a clinical polygraph examiner.
- (3) The executive director of the department of public safety shall appoint a presiding officer for the board from among the board from among the board members appointed pursuant to subsection (1) of this section, which presiding officer shall serve at the pleasure of such director.

- (4) (a) Any member of the board created in subsection (1) of this section who is appointed pursuant to paragraphs (a) through (e) of subsection (1) of this section shall serve at the pleasure of the official who appointed such member, for a term which shall not exceed four years. Such members shall serve without additional compensation.
- (b) Any member of the board created in subsection (1) of this section who is appointed pursuant to paragraphs (f) through (k) of subsection (1) of this section shall serve for a term of four years. Such members shall serve without compensation.
- (5) The board shall carry out the following duties:
- (a) Prior to January 1, 1996, the board shall develop and prescribe a standardized procedure for the evaluation and identification of sex offenders. Such procedure shall provide for an evaluation and identification of the offender and recommend behavior management, monitoring, and treatment based upon the knowledge that sex offenders are extremely habituated and that there is no known cure for the propensity to commit sex abuse. The board shall develop and implement methods of intervention for sex offenders which have as a priority the physical and psychological safety of victims and potential victims and which are appropriate to the needs of the particular offender, so long as there is no reduction of the safety of victims and potential victims.
- (b) Prior to January 1, 1996, the board shall develop and implement guidelines and standards for a system of programs for the treatment of sex offenders which can be utilized by offenders who are placed on probation, incarcerated with the department of corrections, placed on parole, or placed in community corrections. The programs developed pursuant to this paragraph (b) shall be flexible as possible so that such programs may be utilized by each offender to prevent the offender from harming victims and potential victims. Such programs shall be structured in such a manner that the programs provide a continuing monitoring process as well as a continuum of treatment programs for each offender as that offender proceeds through the criminal justice system and may include, but shall not be limited to, group counseling, individual counseling, outpatient treatment, inpatient treatment, or treatment in a therapeutic community. Also, such programs shall be developed in such a manner that, to the extent possible, the programs may be accessed by all offenders in the criminal justice system. The procedures for evaluation, identification, treatment, and continued monitoring required to be developed pursuant to this paragraph (b) and

- paragraph (a) of this subsection (4) shall be implemented only to the extent moneys are available in the sex offender surcharge fund created in section 18-21-103 (3), C.R.S.
- (c) The board shall develop a plan for the allocation of moneys deposited in the sex offender surcharge funds created pursuant to section 18-21-103 (3), C.R.S., among the judicial department, the department of corrections, the division of criminal justice of the department of public safety, and the department of human services. In addition, the board shall coordinate the expenditure of moneys from the sex offender surcharge fund with any moneys expended by any of the departments described in this paragraph (c) for the identification, evaluation, and treatment of sex offenders. The plan developed pursuant to this section shall be submitted to the general assembly shall appropriate moneys from the sex offender surcharge fund in accordance with such plan.
- (c.5) On or before January 1, 1999, the board shall consult on and approve the risk assessment screening instrument developed by the division of criminal justice to assist the sentencing court in determining the likelihood that an offenders would commit one or more of the offenses specified in section 18-3-414.5 (1) (b), C.R.S., under the circumstances described in section 18-3-414.5 (1) (c), C.R.S. No state general fund moneys shall be used to develop the risk assessment screening instrument. In carrying out this duty, the board shall consider sex offender risk assessment research and shall consider as one element the risk posed by a sex offender who suffers from a mental abnormality, psychosis, or personality disorder that makes the person more likely to engage in sexually violent predatory offenses. For purposes of this subsection (4) only, "mental abnormality" means a congenital or acquired condition that affects the emotional or violation capacity of a person in a manner that predisposes that person to the commission of criminal sexual acts to a degree that makes the person a significant risk to the health and safety of other persons. If a defendant is found to be a sexually violent predator, the defendant shall be required to register pursuant to section 18-3-412.5 (3.5). C.R.S.
- (d) The board shall research and analyze the effectiveness of the evaluation, identification, and treatment procedures and programs developed pursuant to this article. The board shall also develop and prescribe a system for implementation of the guidelines and standards developed pursuant to paragraph (b) of this subsection (4) and for tracking offenders who have been subjected to evaluation, identification, and treatment pursuant

to this article. In addition, the board shall develop a system for monitoring offender behaviors and offender adherence to prescribed behavioral changes. The results of such tracking and behavioral monitoring shall be a part of any analysis made pursuant to this paragraph (d).

- (e) Pursuant to section 16-13-809, on or before July 1, 1999, the board, in collaboration with the department of corrections, the judicial department, and the state board of parole shall develop criteria for measuring a sex offender's progress in treatment. Such criteria shall assist the court and the state board of parole in determining whether a sex offender may appropriately be released from incarceration pursuant to section 16-13-806 (1), or whether the sex offender's level of supervision may be reduced pursuant to section 16-13-806 (2) (a) or 16-13-808, or whether the sex offender may appropriately be discharged from probation or parole pursuant to section 16-13-806 or 16-13-808. At a minimum, the criteria shall be designed to assist the court and the state board of parole in determining whether the sex offender would pose an undue threat to the community if he or she were released from incarceration, released to a reduced level of supervision, or discharged from probation or parole. The criteria shall not limit the decision-making authority of the court or the state board of parole.

*Editor's note: This paragraph (e) is effective November 1, 1998.*

- (6) The board and the individual members thereof shall be immune from any liability, whether civil or criminal, for the good faith performance of the duties of the board as specified in this section.
- (7) (a) This section is repealed, effective July 1, 2001.  
(b) Prior to said repeal, the sex offender management board appointed pursuant to this section shall be reviewed as provided for in section 24-34-104, C.R.S.

**Source:** L. 92: Entire article added, p.457, § 3, effective June 2. L. 94: IP(1), (1) (c), (1) (e), and (4) (c) amended, p.2651, § 125, effective July 1. L. 95: (4) (a) and (4) (b) amended, p.466 § 12, effective July 1. L. 96: (4) (b) and (4) (d) amended and (6) added, pp. 734, 735, § § 1,2 effective July 1. L. 97: IP(1), (1)(f), (1) (j), and (1) (k) amended and (1) (l) and (4) (c.5) added, p. 1565, § § 11, 12, effective July 1. L. 98: IP(1), (4) (c.5), and (6) (b) amended and (1) (d.5) added, pp. 401, 402, § § 9, 12, effective April 21; (4) (e) added, p. 1288, § 3 effective November 1.

**APPENDIX B: SEXUAL PREDATOR  
RISK ASSESSMENT SCREENING  
INSTRUMENT**





# State of Colorado

## SEXUAL PREDATOR RISK ASSESSMENT SCREENING INSTRUMENT

PURSUANT TO 18-3-414.5 C.R.S.

Probation officers, please fax or mail all completed forms within one month to:

Division of Criminal Justice  
Attn: Office of Research and Statistics  
700 Kipling Street, Suite 1000  
Denver, Colorado 80215  
303.239.4491 (FAX)

*If the offender meets the criteria in this instrument:*

**(PART 1) + (PART 2) + (PART 3 OR PART 4)**

*he will be referred to the court as a sexually violent predator based on this instrument. The court makes the final determination regarding sexually violent predator status pursuant to 16-11.7-103.*

# Instructions:

Please complete the entire form (7 pages) for each sex offender on your caseload. This form applies to offenses committed on or after July 1, 1997, whose conviction or plea (finding of guilt) occurred on or after July 1, 1999. DCJ is continuing to analyze the data gathered from these forms to strengthen the predictive capacity of the instrument. In order to accurately do this, the data must reflect both those offenders who are identified as sexually violent predators and those who are not. Thank-you for your ongoing assistance with the development of this instrument.

## **P** PROBATION

Completes Part 1 and Part 3, items 1-6 then forwards this form to the Evaluator with copies of the police reports and any victim statements. If either are not forwarded with this report, please indicate why here:

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## **E** SOMB EVALUATOR

Completes Part 2, Part 3, items 7-10 and Part 4 including the Instrument Summary then return the completed form to probation with the completed mental health sex offense specific evaluation.

### DATA SOURCES

Please identify the data sources by number when completing the following sections of this instrument.

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

# Part I

**P**

(PROBATION complete Part 1)

## CLIENT INFORMATION

Offender Name:		
SS#:	SID#:	DOB:
Gender: <input type="checkbox"/> Male <input type="checkbox"/> Female	Race: <input type="checkbox"/> Anglo <input type="checkbox"/> Black <input type="checkbox"/> Hispanic <input type="checkbox"/> Other	
Referring PO:	Date PO Referred Instrument to Evaluator:	
Judicial District:		
SOMB Evaluator:	Date of Eval:	Date Returned to PO:

## DEFINING SEXUAL ASSAULT CRIMES

The offender has been convicted of an offense committed on or after July 1, 1997, of one or more of the following crimes (attempts, conspiracies, and deferred judgements *do not* apply.) (check all those that apply):

- Sexual Assault in the First Degree (18-3-402)
- Sexual Assault in the Second Degree (18-3-403)
- Sexual Assault in the Third Degree (felony convictions only)(18-3-404)(1.5 or 2)
- Sexual Assault on a Child (18-3-405)
- Sexual Assault on a Child by one in a position of Trust (18-3-405.3).

Meets DEFINING CRIMES Criterion:	<input type="checkbox"/> Yes	<input type="checkbox"/> No
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→Please proceed to Part 2.

# Part 2

**E** (EVALUATOR complete Part 2)

The following criteria were developed to assist in the identification of a sexually violent predator as outlined in 18-3-414.5 C.R.S.

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

## STRANGER

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:	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<i>If yes, go to the Summary on page 5. If no, continue in Part 2.</i>		

Please select the appropriate data source from the list on Page 2.

Data Source(s):
-----------------

## ESTABLISHED A RELATIONSHIP

(Consider only when stranger criteria above does not apply.) 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).

- 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 into the relationship, such as but not limited to, pornography or inappropriate discussion of sexual relations with a 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 Criteria:	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<i>If yes, go to the Summary on page 5. If no, continue in Part 2.</i>		

Please select the appropriate data source from the list on Page 2.

Data Source(s):
-----------------

## Part 2 (continued)

### PROMOTED A RELATIONSHIP

(Consider only when stranger or established a relationship criteria above do not apply.) 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 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 Criteria:	<input type="checkbox"/> Yes	<input type="checkbox"/> No
--------------------------	------------------------------	-----------------------------

Please select the appropriate data source from the list on Page 2.

Data Source(s):
-----------------

### SUMMARY OF RELATIONSHIP INFORMATION

Meets STRANGER Criterion:	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Meets ESTABLISHED A RELATIONSHIP Criteria:	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Meets PROMOTED A RELATIONSHIP Criteria:	<input type="checkbox"/> Yes	<input type="checkbox"/> No

Please proceed to Part 3.

# Part 3

## DCJ SEX OFFENDER RISK SCALE (SORS)

The offender is at greater risk of subsequently committing one of the identified crimes (18-11.7-103 (1) C.R.S.) when FOUR or more of the following descriptions apply to this offender. Each of the ten items are worth one point. Missing information must be scored no. (Please indicate your data sources by documenting the corresponding number from the data source list found on page 2.)

**P** (PROBATION complete items 1 through 6)

Yes No

- 1. The offender has one or more juvenile felony adjudications. (Includes attempts and conspiracies but not deferred judgments.)  
Data Source(s) \_\_\_\_\_
- 2. The offender has one or more prior adult felony convictions. (Include attempts/conspiracies and deferred judgments/sentences).  
Data Source(s) \_\_\_\_\_
- 3. The offender was employed less than full time at arrest. (Part-time or sporadic work are not considered full-time. Multiple, concurrent, stable part-time jobs are considered full-time employment. Full-time work refers to 35 or plus hours per week)  
Data Source(s) \_\_\_\_\_
- 4. The offender failed first or second grade. (Whatever the reason, if the offender failed these grades or was held back or repeated the grade, this item scores "yes". Probation Officers may need to work closely with the SOMB evaluator and polygrapher to obtain this information.)  
Data Source(s) \_\_\_\_\_
- 5. The offender possessed a weapon during the current crime. (A weapon was present and is defined as a gun, knife, or object that could be used to intimidate or harm a victim. The offender need only to possess the weapon during the crime, not use the weapon. If the victim was lead to believe that a weapon was present, regardless if it was, score this criterion "yes".)  
Data Source(s) \_\_\_\_\_
- 6. The victim had ingested or was administered alcohol or drugs during or immediately prior to the current crime.  
Data Source(s) \_\_\_\_\_

**E** (EVALUATOR complete items 7 through 10)

- 7. The offender was NOT sexually aroused during the sexual assault. (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).  
Data Source(s) \_\_\_\_\_

Item 8 through 10 on this scale are scored from the Colorado Sex Offender Management Board Checklist (page 8).

Yes No

- 8. The offender scored 20 or above on the CO-SOMB Denial Scale.
- 9. The offender scored 20 or above on the CO-SOMB Deviancy Scale.
- 10. The offender scored 20 or below on the CO-SOMB Motivation Scale.

TOTAL DCJ SEX OFFENDER RISK SCALE SCORE ..... (Add number of "yes" responses)

Meets DCJ Sex Offender Risk Scale Criteria (Total score of 4 "yes" responses or more)  Yes  No  
Please proceed to Part 4.

# Part 4

**E** (EVALUATOR complete Part 4 and Instrument Summary)

## MENTAL ABNORMALITY

The offender meets the mental abnormality criterion when he scores:

- 18 or more on the Psychopathy Checklist Screening Version (PCL:SV), **OR**
- 30 on the PCL - R, **OR**
- Scores of 85 or more on *each* of the following MCMI3 scales: narcissistic, antisocial, and paranoid.

Please indicate the score of the appropriate test below.

Psychopathy Checklist:

PCL-SV SCORE: .....

OR

PCL-R SCORE: .....

- OR -

MCMI3:

Narcissistic .....

AND

Antisocial .....

AND

Paranoid .....

Meets Mental Abnormality Criterion:

Yes

No

## INSTRUMENT SUMMARY:

To be identified a sexually violent predator, the offender must have yes on Parts 1 + 2 + (3 or 4).

PART 1 (Defining Sexual Assault Crimes Criterion) .....  Yes  No

PART 2 (Relationship Criteria) .....  Yes  No

PART 3 (DCJ Sex Offender Risk Scale Criteria) .....  Yes  No

OR

PART 4 (Mental Abnormality Criterion) .....  Yes  No

This risk assessment instrument identifies the offender as a:

SEXUALLY VIOLENT PREDATOR

YES

NO

Probation Officer/Evaluator Feedback:

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# SOMB CHECKLIST

Please endorse each of the following as they apply to the client with a "0" meaning "does not apply at all" to a "5" meaning "applies very much". Please complete the entire form.

Date \_\_\_\_\_ CR# \_\_\_\_\_ SS# \_\_\_\_\_

Client Name \_\_\_\_\_

SOMB Evaluator \_\_\_\_\_ Referring Probation Officer \_\_\_\_\_

*Not at All . . . Very Much*

*Not at All . . . Very Much*

### 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

### POSITIVE SOCIAL SUPPORT

- Has many pro-social friends. 0 1 2 3 4 5
- Has close friends. 0 1 2 3 4 5
- Interacts with friends regularly. 0 1 2 3 4 5
- Has healthy family. 0 1 2 3 4 5
- People are interested in his progress. 0 1 2 3 4 5
- People have offered to help him. 0 1 2 3 4 5
- Has friends/family he could live with. 0 1 2 3 4 5
- Has lived in same community for years. 0 1 2 3 4 5

### DENIAL

- Denies actual facts of offense. 0 1 2 3 4 5
- Denies wrongness of actions. 0 1 2 3 4 5
- Minimizes prior 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 grudge 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

### DEVIANANT 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

### READINESS TO CHANGE

- Verbalizes desire to change. 0 1 2 3 4 5
- Sees other ways of behaving. 0 1 2 3 4 5
- Appears tired of old ways. 0 1 2 3 4 5
- Shows detrimental effects on victim. 0 1 2 3 4 5
- Has plan for change. 0 1 2 3 4 5
- Willingness to discuss sexual history. 0 1 2 3 4 5
- Can see a future in changing. 0 1 2 3 4 5
- Eliminates deviant sexual behavior. 0 1 2 3 4 5

### TAKING CARE OF BUSINESS

- Work/school stability. 0 1 2 3 4 5
- Keeps up on financial obligations. 0 1 2 3 4 5
- Maintains stable family life/living situation. 0 1 2 3 4 5
- Completes homework. 0 1 2 3 4 5
- Takes responsibility for life incidents. 0 1 2 3 4 5
- Reports/journals about stressful situations. 0 1 2 3 4 5
- Reports/journals about anger. 0 1 2 3 4 5
- Reports/journals about high risk situations. 0 1 2 3 4 5

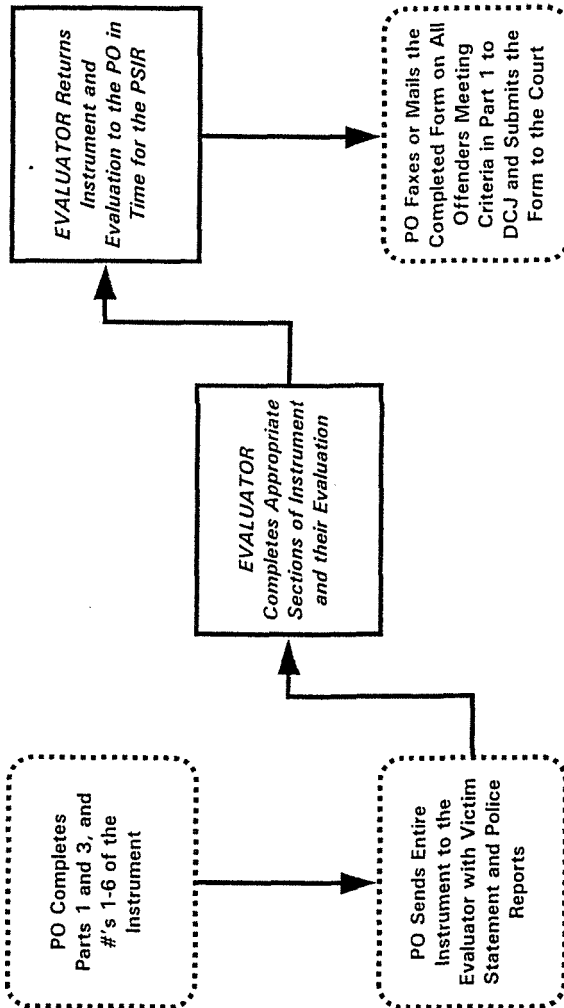
*Not at All . . . Very Much*

### SOCIAL SKILLS

- Socially appropriate. 0 1 2 3 4 5
- Appropriate social connectedness. 0 1 2 3 4 5
- Pleasant in conversation. 0 1 2 3 4 5
- Non-hostile interaction. 0 1 2 3 4 5
- Dresses appropriately. 0 1 2 3 4 5
- Forms genuine bonds with others. 0 1 2 3 4 5
- Appropriate social network. 0 1 2 3 4 5
- Appropriately helpful to others. 0 1 2 3 4 5

*Not at All . . . Very Much*

# APPENDIX C: SUGGESTED SEXUAL PREDATOR RISK ASSESSMENT SCREENING INSTRUMENT FLOWCHART



Colorado Department of Public Safety, Division of Criminal Justice June 1999

