

HANDBOOK: SEXUALLY VIOLENT PREDATOR ASSESSMENT SCREENING INSTRUMENT FOR FELONS

Background and Instruction

June 2003

Colorado Sex Offender Management Board

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The ORS conducted the research described here in consultation with the Colorado Sex Offender Management Board under DCJ grant number D97DB15A694 from the Drug Control and Systems Improvement Program (DCSIP).

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ACKNOWLEDGMENTS

The Office of Research and Statistics (ORS) would like to thank the dozens of people who worked on the development and implementation of the sexually 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. The probation departments in Jefferson, Arapahoe, Denver and El Paso counties, along with parole officers in Denver and El Paso, the staff of ComCor, Inc., and therapists at the Colorado Department of Corrections Sex Offender Treatment and Management Program (SOTMP) 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 Division of Probation Services continues to be invaluable.

Collaborative activity is fundamental to accomplishing effective containment of adult sex offenders. Across professional disciplines and a wide span of expertise, we appreciate the extraordinary commitment of multiple agencies and private programs to continue improving the safety of our communities.

INTRODUCTION TO THIS HANDBOOK

The General Assembly requires that special precautions should be taken in the community management of sexual predators. Pursuant to 18-3-414.5, C.R.S., the Colorado Division of Criminal Justice's Office of Research and Statistics worked in consultation with representatives of the Colorado Sex Offender Management Board (SOMB) to develop a risk assessment screening instrument for use in the identification of *sexually violent predators (SVPs)*. The Division of Probation Services in the Judicial Branch and the Office of Research and Statistics in the Colorado Department of Public Safety work jointly to implement the use of the SVP Instrument among Probation Offices and SOMB approved sex offender and mental health evaluators statewide.

The Office of Research and Statistics works with the Department of Corrections and the State Board of Parole to review qualifying cases pursuant to 18-3-414.5(1)(b)(3), C.R.S. The intent of Colorado statute 18-3-414.5, C.R.S. is to identify convicted sex offenders who are at higher risk of committing subsequent sex crimes. These offenders will be designated sexually violent predators. The Sexually Violent Predator Instrument clinically and empirically identifies the most dangerous offenders. The legal determination of sexually violent predator is at the discretion of the presiding judge and/or the parole board.

Copies of a 40-minute training video describing how to complete the SVP form are available from the Division of Probation Services. Additional copies of the video may be obtained on loan from the Colorado Division of Criminal Justice.

BACKGROUND

Legislation

Legislation was passed by the Colorado General Assembly in 1996 regarding the identification and registration of sexually violent predators. An adult convicted of at least one of the following offenses and found to be a sexually violent predator will be required for the remainder of his or her natural life to register every three months rather than annually. Further, information describing the offender will be placed on the State of Colorado website. The offenses specified in 18-3-414.5(A-E), C.R.S. describe sexual assault crimes.” The qualifying crimes are:

- 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. 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;
- 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, C.R.S.

The person must be convicted of one of the above on or after July 1, 1999 for offenses committed on or after July 1, 1997.

Development

Pursuant to 18-3-414.5, C.R.S, the Colorado Division of Criminal Justice (DCJ) worked in conjunction with representatives of the Colorado Sex Offender Management Board (SOMB) to develop clinical criteria and an empirical risk assessment scale for use in the identification of sexual predators. The screening instrument is the *Colorado Sexually Violent Predator Assessment Screening Instrument (SVPASI)*. 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 the victim services agencies. The actuarial scale (Part 3A of the instrument) 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 Division 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. Training video tapes were sent to each district court probation department and are available on loan from DCJ. Training is available upon request.

HOW TO USE THIS HANDBOOK

Probation officers and Sex Offender Management Board (SOMB) listed evaluators and SOTMP therapists will complete the assessment instrument on men and women who qualify for screening as described on pages 21-22 of this handbook.

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 A and B of the SVPASI.

Statutory directives are included in Appendix A. Appendix B includes the SVPASI. Appendix C provides a flowchart for completing the SVPASI.

**SECTION ONE:
INSTRUCTIONS FOR COMPLETING THE
SEXUALLY VIOLENT PREDATOR
ASSESSMENT SCREENING
INSTRUMENT FOR FELONS**

**This instrument should be completed *only* on
individuals convicted of *felonies*.**

INSTRUCTIONS

The completion of the Sexually Violent Predator Assessment Screening Instrument for qualifying cases is mandated in 18-3-414.5, C.R.S. The qualifying felony crime categories are listed below.

Offender has been convicted on or after July 1, 1999 of one of the following offenses committed 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 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.

Cases where **Probation** is involved the probation officer is responsible for completing certain portions of the instrument and forwarding it to the SOMB-listed sex offender evaluator for completion. The evaluator then returns the completed form to the probation officer. The probation officer assures that each item and data source is entered on the form, and then faxes or mails a photocopy of the completed instrument to Chris Rowe of the Division of Probation Services. The probation officer forwards the

original instrument to the sentencing judge who makes the final Sexually Violent Predator (SVP) determination and enters the SVP order in the record.

For **Department of Corrections** cases, the SOTMP therapist is responsible for completing the entire instrument. The therapist will make sure that each item and data source is entered on the form, and then faxes or mails a photocopy of the completed instrument to Pat Lounders of the Division of Criminal Justice. The SOTMP therapist forwards the original instrument to the parole board who makes the final Sexually Violent Predator (SVP) determination and enters the SVP order in the record.

Following these instructions is required by state statute. The DCJ and SOMB must ensure that the statute is implemented as the General Assembly intended according to 18-3-414.5 (2) and (3), C.R.S.: (2) describes the probation and court process and (3) describes the Department of Corrections and parole board process.

In addition, when the parole board considers an offender who is convicted of one of the five specified felony crimes during the qualifying time period, “the parole board shall make specific findings concerning whether the offender is a sexually violent predator...” Offenders found to be sexual violent predators by the parole board are required to register with law enforcement pursuant to 16-22-108(1)(d).

Sexually violent predator status requires the individual to register with local law enforcement every ninety days for the rest of their natural life (see 16-22-108(1)(d), C.R.S.).The person must register in the jurisdiction where they live within five business days of becoming a temporary or permanent resident. The person must re-register if they legally change their name.

Summary

All persons 18 years or older on the date of the offense or tried as adults, and convicted (including guilty and nolo pleas) on or after July 1, 1999 of one or more of the five qualifying crimes committed on or after July 1, 1997, must be assessed using the SVP Assessment Screening Instrument (SVPASI). The probation officer and the SOMB-listed sex offender evaluator or SOTMP therapist complete each item on the SVPASI and document the data source for each item on the instrument. The SVPASI is forwarded with the PSIR to the judge or parole board who makes the final determination and enters the order into the record. Those individuals determined to be SVPs must register every ninety days with each local law enforcement agency in the jurisdiction in which he/she establishes residence. SVPs must register within five business days of being released from incarceration for the commission of the offense requiring registration or after receiving notice of the duty to register. Following the finding by the court or parole board, copies of the SVPASI should be faxed or mailed to the Division of Probation Services or Division of Criminal Justice (*see cover page of instrument*).

INSTRUCTIONS *(Page 3 of the instrument)*

Probation Officers

Probation officers are to complete Part 1 and Part 3A items 1-6 on the SVPASI. When these sections are completed, probation officers should forward the form and copies of any police reports and victim statements to the Sex Offender Management Board approved 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. ORS is tracking the availability of these documents to the approved SOMB evaluator.

SOMB Evaluators

The Sex Offender Management Board-listed evaluator is selected by the probation officer pursuant to the SOMB's *Statewide Standards*. The evaluator is required to complete the following:

- Part 2
- Part 3A items 7-10
- Part 3B

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 sexually violent predator assessment instrument 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.**

SOTMP Therapists

The SOTMP therapist must complete the entire form (Parts 1, 2, 3A, and 3B).

Data Sources

A list of potential data sources is provided on page 3 of the SVPASI for use by both the probation officer and SOMB-listed evaluator or SOTMP therapist when completing the assessment

screening instrument. **It is important that the data source be clearly identified and documented when requested on the instrument.** The form will become a part of the court record and officials may be asked to testify on the source of the information used to classify the offender.

Send to the Division of Probation Services

After the judge makes the finding of fact and completes the box on the cover page of the instrument, the **probation officer** must forward a copy of the instrument to the Division of Probation Services (DPS) within one month.

Send to the Division of Criminal Justice

After the parole board makes the SVP determination, a copy of the instrument should be sent to the ORS at the Division of Criminal Justice within a month.

PART 1 (Page 4 of the instrument)

Entire section is to be filled out by the probation officer or SOTMP therapist.

Client Information

Please ensure that all of the requested client information is provided. Data will assist in the ongoing research and analysis of this group of offenders.

SS#: Social Security Number
SID#: State Identification Number
ML#: Master List Number
CC#: Court Case Number

Eligible Cases for Screening

Probation officers and SOMB-listed sex offender evaluators or SOTMP therapists will complete the entire instrument for every sex offender that meets the following criteria:

- Is 18 years of age or older on the date of the offense, or has been tried as an adult pursuant to section 19-2-517 or 19-2-518, C.R.S.
- Has been convicted on or after July 1, 1999 of one of the following offenses committed on or after July 1, 1997:
 - 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. 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;

- 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, C.R.S.
-
- Proceed to Part 2.

PART 2 (Page 5 of the instrument)

Entire section is to be completed by the SOMB evaluator or SOTMP therapist.

These relationship criteria were defined by an expanded committee of the SOMB because the SVP statute does not provide definitions. Without clear descriptions of these relationship criteria, arbitrary and subjective scoring methods could result.

A. 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 the offender meets the criterion or not. Refer to page three of the instrument for the possible data sources.
- If the offender *met* this criterion, the SOMB evaluator or SOTMP therapist may proceed to Part 3 of the Sexually Violent Predator Assessment Screening Instrument. If the offender *did not meet* this criterion, the SOMB evaluator or SOTMP therapist must continue to the ESTABLISHED A RELATIONSHIP criterion.

B. 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 documentation in official court records. Self-report, clinical records, prison or community supervision records are important sources of this information.
- *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 criterion.

- *Introduction of sexual content in the relationship* – this criterion 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 must a lack of consent 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.
- Please check either the “Yes” or “No” box presented after the statement “Meets Established Criteria.”
- **When this section is completed (i.e., the defendant does not meet the criteria for Stranger above), a data source must be documented in this section whether they met the criterion or not.** Refer to page three for the possible data sources.
- If the offender *met* this criterion, the SOMB evaluator or SOTMP therapist may proceed to Part 3 of the Sexually Violent Predator Assessment Screening Instrument. If the offender *did not meet* this criterion, the SOMB evaluator or SOTMP therapist must continue to the PROMOTED A RELATIONSHIP criterion.

C. Promoted a Relationship

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 or SOTMP therapist 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 parent, step-parent, intimate partner, co-worker, or teacher/student.
- *Offender engaged in contact with the victim that was progressively more sexually intrusive over time.* The emphasis of this criterion is the sexually intrusive nature of the relationship that is promoted over time.
- *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.”
- **When this section is completed, data sources must be documented.** Refer to page three of the instrument for a list of data sources.
- If the offender *met* this criterion, the SOMB evaluator or SOTMP therapist may proceed to Part 3 of the Sexually Violent Predator Assessment Screening Instrument.

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 or SOTMP therapist is required to summarize the results in this section. Please check either the "Yes" or "No" or "NA" box for each criterion.

- Proceed to Part 3.

PART 3A *(Page 7 of the instrument)*

Probation officers are required to complete items 1 through 6.

SOMB evaluators are responsible for items 7 through 10.

SOTMP therapists will complete items 1 through 10.

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

Complete this scale for women, however omit items #3 and #7.

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

- **Item One:** 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 or SOTMP therapist)**
- **Item Two:** This item does include attempts/conspiracies and deferred judgments/sentences. **(Probation officer or SOTMP therapist)**
- **Item Three:** *This item does not apply to women.* Offender must be working a total of 35 hours for at least one year to be considered a full time employee. Retired persons are not considered full time. Employment status must be taken at the point of arrest for the current crime. **(Probation officer or SOTMP therapist)**
- **Item Four:** The offender must have been held back in 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 or SOTMP therapist)**

- **Item Five:** 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 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 or SOTMP therapist)**
- **Item Six:** The ingestion of alcohol or drugs by the offender has no relevance when determining this criterion. **(Probation officer or SOTMP therapist)**
- **Item Seven:** *This item does not pertain to women.* For men this information can sometimes be found in the victim statement or by asking the offender. **(SOMB evaluator or SOTMP therapist)**
- **Items Eight Through Ten:** 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 or SOTMP therapists are required to complete the entire checklist and forward it with the SVPASI materials. Clarification of the Denial, Deviancy and Motivation scales is provided below. **(SOMB evaluator or SOTMP therapist)**

DENIAL SCALE (from SOMB Checklist)

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

Denies wrongfulness 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 all 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 the 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 expresses 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.

For each item answered in the affirmative the scale earns one point. Total the points. The highest possible score for men is ten; for women the highest score is 8. For men and women, a score of 4 or above is considered high risk.

- Proceed to Part 3B.

PART 3B (Page 8 of the instrument)

The SOMB evaluator or SOTMP therapist is required to complete this section.

Mental Abnormality

The SOMB evaluator's or SOTMP therapist's determination of mental abnormality must be based upon the Psychopathy Check List Screening Version (PCL-SV), the Psychopathy Check List Revised (PCL-R) or the Millon Clinical Multiaxial Inventory-III (MCMI-III).¹

The offender meets the mental abnormality criterion when he scores:

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

Indicate the data source by circling the appropriate instrument on the form.

¹ The MCMI-III is a 240-item self-administered questionnaire that generates 26 subscales and assesses for 13 personality disorders and 9 clinical syndromes in adult patients.

**SECTION TWO:
ACTUARIAL RISK RESEARCH**

ACTUARIAL RISK RESEARCH

Risk assessment is a key component of correctional population management. Research pertaining to offender risk of supervision failure dates back to the 1920s (Warner, 1923; Hart, 1923; Warner, 1928). Research specifically targeting risk assessment of adult sexual offenders has occurred only within the past two decades. Important work was reviewed prior to the current study, and risk factors identified and studied by other researchers were incorporated in this research. Such factors include *psychopathy* (Hare, 1991; Harris et al., 1991; Hart, Kropp and Hare, 1988; Serin et al., 1990), impulsivity (Knight and Prentky, 1990), *deviant arousal* or *versatility of sexual offending* (Serin, 1994; Rice et al., 1991; Barbaree and Marshall, 1988; Brown and Forth, 1997; Forth and Droner, 1996; Hart et al., 1998), *prior sexual offending history* (Hall, 1988; Hansen et al., 1992; Marshall and Barbaree, 1988; Rice et al., 1991; Rice and Harris, 1997; Simkins, 1990), *employment* (Hart, Kropp and Hare, 1988), *victim injury* (Harris et al., 1995), *coercion* in the instant offense (Simkins, 1990), *boy victims* (Hanson and Bussiere, 1996; Hanson, 1998), *diverse victim types* (Hanson and Harris, 1998), *young age of victims* (Barbaree and Marshall, 1988; Quinsey et al, 1995; Hanson, 1997), *any stranger victim* (Hanson 1998), *any personality disorder* (Harris et al, 1993; Rice and Harris, 1997; Quinsey et al., 1995), *past violence* (Karson and Bigelow, 1987; McNeil, Bender and Greenfield, 1988; Palmstrierna and Wistedt, 1989), and young age of offender (Harris et al, 1998; Quinsey et al, 1995; Hanson, 1997).

The research design for developing a statistically valid risk instrument 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, which is Part 3 in the SVP Instrument, resulted from this collaborative research effort and the

scale predicts the probability of revocation for convicted adult male sex offenders.

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 is 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 is discussed later in this section.

The reliance on official records to obtain information about new assaults leads to another problem in risk prediction: Official reports of offending behavior likely reflect the type of victim targeted and so the outcome data may be systematically biased by victim type. For example, if certain types of victims are less likely to report the assaultive behavior, say incest victims or victims of acquaintance rape, then these crime types will be underrepresented in all of our offender samples. Some study samples, such as those used to build the RRASOR (Hanson 1998) and the tool used by the Minnesota Department of Corrections (Epperson et al, 1998) specifically excluded incest offenders and so the instruments will miss the risk presented to this victim type.

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 by the Colorado Department of Corrections (Alhmeyer, Heil, McKee and English, 2000) and the ORS (English, Jones, Patrick, Pasini-Hill, and

Cooley-Towell, 2000) 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 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, do 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 originally used due to legislation requiring the development of the scale within a short time period. The sample was studied again at 30 months and the predictive power remained consistent with the 12-month finding. Recidivism data will continue to be collected by the ORS on behalf of the SOMB in future years as funding allows.

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 male 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 and November 30, 1997. A total of 494 cases from the following jurisdictions participated in the study:

Probation Districts:

- 18th (Arapahoe County)
- 2nd (Denver County)
- 4th (El Paso County)
- 1st (Jefferson County)

Community Corrections:

- ComCor, Inc. in El Paso County

Parole:

- Denver County
- El Paso County

Department of Corrections (DOC):

- 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' Sex Offender Treatment and Management Program (SOTMP) 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. Sex offenders in probation, community corrections, prison and parole were included in the sample.

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

Probation	221
Department of Corrections	226
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. 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.

1. **Personality Disorders.** The MCMI-III² is a personality inventory scored on all inmates entering the Department of Corrections. This is a 240-item client self-report questionnaire that identified thirteen 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 Checklist, Screening Version (PCL-SV),³ 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 on study cases and returned to DCJ for data entry and analysis. A total of 196 PCL-SV were analyzed.

2 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.

3 Hare, R.D. (1991). *Manual for the Hare Psychopathy Check List-Screening Version*. Toronto, Ontario, Canada: Multi-Health Systems.

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 within the Committee, 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 decision makers who handle the case. ORS researchers used this form to collect data on 460 offenders in the study.
5. **Colorado 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 eight-item 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 therapy. 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.

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.

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 where the offender was not rearrested.

Considerable support in the literature exists for using revocation and treatment failure variables as 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. 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.⁴

⁴ Hanson, R.K. & Harris, A.J.R. (1998). Dynamic predictors of sexual recidivism (User Report No. 98-01). Ottawa, Ontario, Canada: Department of the Solicitor General of Canada.

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 one of the five defining crimes, i.e., 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.

For the 30-month follow-up analysis, risk to fail was defined as: revocation, revocation pending, negative treatment termination, absconded, and commission of a new sex crime.

This definition was used for a variety of reasons. First, the initial 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 18-3-414.5 (a) (IV), C.R.S. Second, as previously discussed, 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 was drawn) documents the link between treatment failure, dropping out, and rearrest. Problems of almost any kind are related to risk of reoffense, according to Hanson and Harris' (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 failed in one year and 40% failed at 30 months because many of the cases considered failures at 12 months were back in good standing at the 30-month follow-up. The remaining cases were considered “ok so far.” The ORS continues to track the status of all of the offenders in the sample. The breakdown of outcome findings from the most recent analysis is presented below.

Outcome Information: Revocation/New Crime at 12 Months

	OK So Far	Failure
Probation	59% (129)	41% (89)
DOC	34% (78)	66% (151)
Parole	<u>47% (22)</u>	<u>53% (25)</u>
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).

Several hundred variables were collected and examined to statistically determine which ones, when taken together, would improve our chances of identifying the most high risk offenders, i.e., those who failed in the 12 and 30 month follow-up period. While many variables were related to failure, the ten items that are included in the statistical model were the most powerful combination. The predictive power is linked to the use of all ten items together, which can change the relationship (making it

stronger or weaker) of any one of the variables to failure. The following table presents the association between each individual risk variable and failure.

Table 1: Association Between Each Item and Failure

	OK So Far	Failure	Chi Square (p)
1 or more juvenile convictions	40%	60%	6.20 (.185)
1 or more prior adult felony conviction	35%	65%	20.28 (.009)
Failed first or second grade	30%	70%	2.72 (.099)
Not employed full time at arrest	45%	55%	2.01 (.170)
Victim was intoxicated			8.74 (.033)
Drugs	28%	72%	
Alcohol	49%	51	
Both	36%	64	
NOT sexually aroused during crime	26%	74%	10.69 (.001)
Possessed a weapon			2.91 (.040)
Gun	36%	64%	
Knife	45%	55%	
Motivated for treatment (mean)	26	22	t = 5.01 <.001
Is in denial (mean)	20	23	t = -4.11 <.001
Engages in deviant sexual practices (mean)	19	22	t - -3.21 .001

Discussion of the Ten Risk Factors

Item One: Juvenile felony adjudications. Early onset of delinquent or aggressive behavior is frequently cited in the criminology literature as an important risk factor. Hawkins and Catalano (1993) have summarized their review of 30 years of delinquency research on risk factors for co-occurring problem behaviors, including delinquency, dropout, teenage pregnancy, substance abuse, and violence. Those who endorse the social development model of delinquency propose that specific factors cause the onset, maintenance and continuation of delinquent careers and that these factors occur in relation to the

chronological development of the child (Elliott, 1994; Farrington, 1986; Farrington and Hawkins, 1991). The chronological development emphasizes the influence of family variables in the early life of the child, followed by school experiences, and later, by peer group influences during adolescence.

Item Two: Prior adult felony convictions. The common adage “past behavior predicts future behavior” is frequently mentioned in risk research. In fact, prior adult criminal history is usually the strongest predictor of future criminality (Farrington, 1988), and nearly every risk instrument contains some measure of this factor. In criminology research, this information is relatively easily obtained from electronic files and institutional records, increasing its value to researchers. The review of risk factors presented earlier in this paper reflect the consistent finding of criminal history measures (violence, sexual offending history, general criminal history) in the sex offender risk prediction literature.

Item Three: The offender was employed less than full time at arrest. This item refers only to full time employment; part-time or sporadic employment had no effect on recidivism. Employment has been identified by Hart, Kropp and Hare (1988) as linked to failure in sex offender populations. Work by DCJ’s Office of Research and Statistics has consistently found employment status to be related to failure under supervision, on both probation and parole samples (Mande and English, 1988; English and Patzman, 1995; English, Chadwick and Pullen, 1994; English and Mande, 1991). Hanson’s (1998) study of dynamic risk factors found lack of accountability during leisure time to be correlated with rearrest for a sex crime, and being employed full time could reflect having less free time to commit sex crimes. As we have suggested before (English and Mande, 1991), employment may reflect an individual’s higher level of functioning (compared to those not employed), and lower functioning—as measured by unemployment—may predict failure.

Item Four: The offender failed first or second grade. As

mentioned in the discussion for Item One, above, the delinquency research clearly identifies evidence of early childhood problems to correlate consistently with adult criminality. Researchers studying sex offender risk in Canada have identified “permanent separation from both parents before the age of 16” as a powerful predictor of general violence and sexual violence (Quinsey et al, 1995; Quinsey et al, 1998). For this research, we tapped two measures reflecting early adjustment problems. We collected and analyzed Item Three and “ever held back in school.” (We did not collect data for each grade, and Item Three combined both 1st and 2nd grade in the measure.) The literature on conduct disorders⁵ identifies early temperamental difficulties as important to pro-social adjustment. Temperament refers to aspects of personality that are consistent across time (Kazdin, 1992) and include individual characteristics such as: activity level, responsiveness, consistency of mood, social adaptability, willingness to adjust to change, level of happiness (Chess and Thomas, 1977; Rutter and Quinton, 1984). Children who are difficult tend to show later behavioral problems compared to children who are easy to manage (Bates et al, 1991; Reitsma-Street et al, 1985). In young children, these are the precursors of conduct disorder. Children with chronic ill health, central nervous system damage have three to five times the risk of conduct disorders (Brown, et al, 1981; Cadman et al, 1986). Loeber and Dishion (1983) found that children who are aggressive at ages four to six have an increased likelihood of developing conduct disorder, and as the aggression is combined with other behavior characteristics, the predictive power increases. Aggressiveness combined with shyness has

⁵ The DSM-III-R defines *conduct disorder* as a disturbance lasting at least six months, during which at least three of the following have been present: 1) has stolen without victim confrontation on more than one occasion; 2) has run away overnight at least twice; 3) often lies; 4) deliberately sets fires; 5) often truant from school; 6) has broken into house, building, car; 7) deliberately destroyed property; 8) been physically cruel to animals; 9) forced someone into sexual activity; 10) used a weapon on more than one fight; 11) often initiates physical fights; 12) has stolen with confrontation; 13) been physically cruel to people.

also been found to be predictive of conduct disorder (Farrington and West, 1990; McCord, 1988). The number of symptoms--and the earlier they occur--have been consistently linked to serious, chronic antisocial behavior (Farrington, et al, 1990; Loeber, et al. 1990; Tolan, 1987; Loeber and Dishion, 1983). Conduct disorder is hard to treat and has a significant level of persistence into adult life (Mrazek and Haggerty, 1994).

Item Five: The offender possessed a weapon during the current crime. Scoring a 1 on this item does **not** require that the offender use the weapon, only that he possess a weapon on his person during the offense. Harris et al. (1993) and Quinsey et al. (1995) found victim injury during the index crime to predict future sexual recidivism, but this factor does not require physical injury. Two other measures of violence during the instant offense were analyzed (extensive psychological coercion and physical force) but this item revealed the most predictive power.

Item Six: The victim had ingested or was administered alcohol or drugs during or immediately prior to the current crime. This risk factor is one of many index crime characteristics collected and analyzed in the current study. The data element refers to intoxication by drugs, alcohol or both. This item is important because it likely reflects the method of operation used by the offender to increase the victim's vulnerability.

Item Seven: The offender reports he was NOT sexually aroused during the current crime. This information was obtained from self-report data. Therapists asked the offender if he experienced an erection during the index crime. This item correlated with several other variables in the data set: on bond at the time of arrest for the current crime, on parole at arrest, convicted of multiple counts, older victim in the instant offense, juvenile history, use of a weapon during the current crime, and not motivated for treatment. It does not correlate with the dynamic measure of denial. Not surprisingly, this group was significantly more likely to receive a prison sentence for the current crime

compared to probation or community corrections. The use of multivariate statistics, such as the regression technique used to develop the scale, accounts for overlap among the variables analyzed, so very little redundancy exists across the ten items. Item Six correlates with three of the other items in the scale: juvenile history, use of a weapon, and not motivated for treatment. However, our analysis found it indeed measures a distinct characteristic or phenomenon as well. It may tap individual aggression as measured separately from criminal history and behavior during the index crime. It may also measure attraction and interest in power, domination and violence rather than sex. Further analysis of this variable is necessary, but its value in the model is quite clear: the chi square analysis shows this item clearly separates the success and failure groups. Only 26% of the OK SO FAR group scored positive for this factor compared with 74% of the group that failed, yielding a chi-square of 10.7 (n=221, p<001).

Items Eight Through Ten. The last three items in the risk scale are derived from a checklist of behaviors developed specifically for this study. Members of the SOMB Research and Assessment Subcommittee wanted the study to include measures of attitudes that are commonly assumed to be related to treatment and supervision failure. For some of the items (denial and empathy, for example), validated instruments exist in the clinical literature that tap these dimensions, however, the instruments are very long. Our objective of developing a “user friendly” risk assessment tool led us to develop our own measures with the assistance of a nationally respected psychometrics expert from the University of Northern Colorado, Dr. Paul Retzlaff. In the end, what came to be called the DCJ/SOMB Checklist turned out to be quite predictive of failure. Individuals can score 8 to 40 on each characteristic, and those who scored 20 or above (or below, depending on the item) were significantly more likely to fail in this study.

Because the measures in the Checklist allow for changes over

time (unlike, for example, failing first or second grade), the offender can work to change his score (for the better or the worse) on the risk assessment tool. This design, then, means the instrument can be scored to detect changes in the offender over time.

Three of the eight checklist items are included in the risk assessment scale. However, all eight items can be used by supervising officers and treatment providers to monitor changes in offender attitudes that are linked to supervision and treatment failure. All eight items are included with the Sexual Predator Assessment Instrument in case professionals choose to use the Checklist as a case management tool, but only three of the items are part of the statistically derived risk assessment scale.

Item Eight: The offender scored 20 or more on the Colorado-SOMB Denial Subscale. Denial is commonly identified as an important issue in sex offender management. Anna Salter (1988) describes denial as occurring along a continuum, from denial of the acts themselves, to denial of fantasy and planning, to denial of the seriousness of the behavior, to denial of the difficulty in changing abusive patterns. Brake (1996) has identified four levels of denial, and fortunately assisted in the development of the Checklist. This item predicted very well (chi square was 8.9, $n=245$, $p=.003$).

Item Nine: The offender scored 20 or more on the Colorado-SOMB Deviancy Subscale. As noted in the review of risk factors presented earlier in this report, deviant arousal has been found to predict recidivism, particularly when it is paired with psychopathy. The score on this subscale indicates significant separation between the OK SO FAR group and the group that failed (chi square=16.3, $n=245$, $p<.001$).

Item Ten: The offender scored below 20 on the Colorado-SOMB Motivation Subscale. This item reflects the extent to which the offender is motivated to participate in sex offender treatment, as measured during the first month of involvement in

therapy. Active participation in the intervention that is defined clearly by the SOMB's statewide standards for evaluation, treatment and monitoring is linked to successful supervision during the first 12 months of placement.

Reliability

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 can 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 cases ranges from 222 to 226).

Colorado-SOMB Checklist	alpha
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.⁶ 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

⁶ 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).

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 OK SO FAR category or the Revoked. Statistical analysis of the relationship between MCMI personality categories and sex offender risk will continue.

At 30 months there is a 371% greater chance of someone with a score of 4 or greater failing compared to someone with a low risk score. This means that someone scoring 4 or more on this scale is nearly 4 times as likely to fail supervision/treatment as someone with a score of 3 or below. The odds ratio is 3.72 (confidence interval = 1.73 to 7.99).

Actuarial risk prediction places people in groups with different probabilities of reoffending. That is, the instrument does not predict individual risk. Rather, group risk is explicitly defined, and individuals fall into specific groups with known probabilities of risk.

LIMITATIONS OF ACTUARIAL PREDICTION

In 1978, the American Psychological Association (APA) withdrew its support of members who testified to the dangerousness of individual offenders. The APA's position was based on a number of studies that revealed the error rate of clinical prediction was intolerably high. Studies of clinical prediction indicated that experts were wrong in their predictions of dangerousness, on average, two out of three times. While actuarial (statistical) prediction is not an ideal solution to the prediction of dangerousness, the approximate error rate of group predictions is known. Policy decisions about the cost of errors—over predicting and under predicting dangerousness—can be made in light of known probabilities.

The science of risk prediction is imperfect, however. Prediction variables are limited to data available in the file and to items that have a practical or theoretical link. The research literature is quite clear that criminal history, lifestyle and social adjustment variables, and opportunity are relevant and statistically powerful indicators of risk. However, actuarial methods are limited because offenders in any study group may vary on factors not measured. Prediction tools may lose efficiency over time. Generalizability of prediction tools across jurisdictions is suspect: "...it is essential that the sample from which it is derived is drawn from the population on which it is to be used" (Farrington and Tarling, 1985). Developing the scale on sex offenders convicted of crimes in Colorado and subject to the SOMB standards of assessment, evaluation, treatment and monitoring is, in fact, the ideal research design, despite the general limitations of actuarial risk assessment discussed here.

LIMITATIONS OF THE CURRENT STUDY

The current study design depended on private therapists in the community to participate in the data collection. This design allowed for the acquisition of rich and otherwise inaccessible data. However, it also resulted in significant amounts of missing data when treatment providers were unable to forward completed data forms to DCJ. The missing data was not evenly distributed across forms or sample subgroups.

APPENDIX A: STATUTES

18-3-414.5 C.R.S. Sexually violent predator. (1) As used in this section unless the context otherwise requires:

- (a) "Sexually violent predator" means an offender:
 - (I) 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.;
 - (II) Who has been convicted on or after January 1, 1999 of one of the following offenses:
 - (A) Sexual assault, in violation of section 18-3-402 or sexual assault in the first degree in violation of section 18-3-402 as it existed prior to July 1, 2000;
 - (B) Sexual assault, in the second degree in violation of section 18-3-403 as it existed prior to July 1, 2000;
 - (C) Unlawful sexual contact, in violation of section 18-3-404 (1.5) or (2) or sexual assault in the third degree, in violation of section 18-3-404(1.5) or (2) as it existed prior to July 1, 2000;
 - (D) Sexual assault on a child, in violation of section 18-3-405: or
 - (E) Sexual assault on a child by one in a position of trust, in violation of section 18-3-405.3;
 - (III) 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
 - (IV) 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 subparagraph (II) of this paragraph (a) under the circumstances described in subparagraph (III) of this paragraph (a).
- (b) "Convicted" includes having pleaded guilty or nolo contendere.

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

(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)(a)(II), C.R.S., under the circumstances described in section 18-3-414.5 (1)(a)(III), 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 article 22 of this title.

**APPENDIX B:
SEXUALLY VIOLENT PREDATOR
ASSESSMENT SCREENING
INSTRUMENT**

TO BE COMPLETED ONLY ON INDIVIDUALS CONVICTED OF FELONIES

**COLORADO SEXUALLY VIOLENT PREDATOR
ASSESSMENT SCREENING INSTRUMENT**

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 committed on or after July 1, 1997. The completed assessment must accompany the pre-sentence report and the mental health sex offense specific evaluation submitted to the court/parole board. According to 18-3-414.5(2) and (3), C.R.S.: "Based on the results of such assessment, the court/parole board shall make specific findings of fact and enter an order" concerning whether the defendant is a sexually violent predator. This assessment instrument combines empirical research conducted by the Division of Criminal Justice (Part 3) with additional criteria specified by the Colorado Sex Offender Management Board (Part 2).

Assessment Summary:

Probation Officers or SOTMP Therapists, based on the information provided on the following pages, please check the boxes that apply. Checks in boxes I, II, III and IVa or IVb indicate that the person satisfies the legislative criteria for the definition of sexual predator pursuant to 18-3-414.5(1), C.R.S.

- (I) The defendant is 18 years of age or older or has been tried as an adult, and has been convicted of one of the five crimes defined in Part 1, pursuant to 18-3-414.5, C.R.S.
- (II) The conviction occurred on or after July 1, 1999 for a crime committed on or after July 1, 1997, pursuant to 18-3-414.5, C.R.S.
- (III) The victim was a stranger to the offender (Part 2A), or the defendant established a relationship primarily for the purpose of sexual victimization (Part 2B), or the defendant promoted a relationship primarily for the purpose of sexual victimization (Part 2C), pursuant to 18-3-414.5, C.R.S.
- (IVa) The defendant scores 4 or more on the Sex Offender Risk Scale (SORS, Part 3A), pursuant to 18-3-414.5 and 16-11.7-103(4)(c.5), C.R.S., or
- (IVb) Meets mental abnormality criteria (Part 3B), pursuant to 16-11.7-103(4)(c.5), C.R.S.

Court/ Parole Board Finding:

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

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

PLACEMENT DECISION	Following the court finding, <i>Probation Officers must mail or fax all completed pages within one month to:</i>	Following the parole board's finding, <i>SOTMP Therapists must mail or fax all completed pages within one month to:</i>
<input type="checkbox"/> Probation <input type="checkbox"/> DOC <input type="checkbox"/> Community Corrections <input type="checkbox"/> Parole	Chris Rowe Division of Probation Services 1301 Pennsylvania Street, Ste 300 Denver, CO 80203 Fax: (303) 837-2340	Pat Lounders Division of Criminal Justice 700 Kipling Street, Ste 1000 Denver, CO 80215 Fax: (303) 239-4491

Probation officers and sex offender evaluators listed on the Sex Offender Management Board (SOMB) provider list or SOTMP therapists 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* on or after July 1, 1999 of one of the following offenses committed 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, C.R.S. as it existed prior to July 1, 2000;
- o Unlawful sexual contact, in violation of section 18-3-404(1.5) or (2), C.R.S. or sexual assault in the third degree, in violation of section 18-3-404(1.5) or (2), C.R.S. as it existed prior to July 1, 2000;
- o Sexual assault on a child, in violation of sections 18-3-405, C.R.S.; or
- o Sexual assault on a child by one in a position of trust, in violation of section 18-3-405.3, C.R.S.

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

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

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

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

An offender found to be a sexually violent predator is required to register with the local law enforcement agency in the jurisdiction in which they reside within five days of becoming a temporary or permanent resident, and on a quarterly basis thereafter, for the remainder of his or her natural life, pursuant to Section 16-22-108(1)(d), C.R.S. Offenders found to be sexually violent predators will also be subject to placement 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 may be subject to community notification pursuant to Section 16-13-903, C.R.S.

*Convicted includes having pleaded guilty or nolo contendere.

**The members of the Sex Offender Management Board determined that the three relationship categories are mutually exclusive. This document reflects the Board's decision.

INSTRUCTIONS: Overview

This instrument requires information from **both** the Pre-Sentence Investigation writer and the SOMB-listed sex offender evaluator. For **Department of Corrections** cases, a Sex Offender Treatment and Management Program therapist must complete the entire form and forward it to the parole board when the offender is considered for release. All completed forms for **Probation** must be faxed or mailed to the **Division of Probation Services**, and those from the **Department of Corrections** should be mailed or faxed to the **Division of Criminal Justice** (see cover page). Pursuant to 16-22-108(1)(d)(I), C.R.S., the **parole board** "shall make specific findings concerning whether the offender is a sexually violent predator" based on the results of this assessment conducted by DOC. If the parole board finds an offender meets the criteria defined in this instrument, the offender is required to register pursuant to 16-22-108(1)(d)(I), C.R.S.

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

Sections of this instrument to be completed by the Probation Officer are designated with: **P**

The Evaluator completes **Part 2, Part 3A items 7 through 10, and Part 3B, including the Instrument Summary**. The evaluator then returns the completed instrument to the Probation Officer, along with the completed mental health sex offense specific evaluation, pursuant to C.R.S. 16-11.7-104(1).

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

The SOTMP Therapist must complete the **entire form (Parts 1, 2, 3A, and 3B)**.

Data Sources used to complete this instrument must be identified:

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

**PART
1**

P Probation Officer or SOTMP Therapist Please Complete Part 1

CLIENT INFORMATION

Offender Name:		CC#: (Court Case Number)	
SS#:	SID#	ML#	DOB:
Gender: <input type="checkbox"/> Male <input type="checkbox"/> Female		Ethnicity: <input type="checkbox"/> Anglo <input type="checkbox"/> Black <input type="checkbox"/> Hispanic <input type="checkbox"/> Other	
PO: (Does not apply to DOC cases)		PO Telephone Number: (Does not apply to DOC cases)	
Date Forwarded to Evaluator: (Does not apply to DOC cases)			
Judicial District: (Does not apply to DOC cases)			
SOMB Evaluator/SOTMP Therapist:		Evaluator/Therapist Telephone Number:	
Date of Evaluation:		Date Returned to PO: (Does not apply to DOC cases)	

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. Also, the offender has been convicted on or after July 1, 1999 of one of the following crimes committed on or after July 1, 1997. Attempts, conspiracies, accessories and deferred judgments *do not* apply. Conviction includes pleas of guilty and nolo contendere.

Please check the box indicating which of the five **felony** crimes qualifies the offender for this assessment.

- Sexual assault, 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. 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;
- 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: <input type="checkbox"/> Yes <input type="checkbox"/> No

Please proceed to Part 2.

**PART
2**

E **Evaluator or SOTMP Therapist Please Complete Part 2**

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

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

A. STRANGER

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

Please select the appropriate data source from the list on page 3.

Data source(s):

Meets **STRANGER** Criterion:

- Yes
- No

If yes, go to Summary on page 6. If no, continue in Part 2.

B. ESTABLISHED A RELATIONSHIP

(Consider only when stranger does not apply). Pursuant to 18-3-414.5(1)(a)(III), C.R.S., the offender **established a relationship** primarily for the purpose of sexual victimization when **any two of the following criteria** are present (*check all that apply*). List all data sources used in the box below.

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

Please select the appropriate data source from the list on page 3.

Data source(s):

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

- Yes
- No

If yes, go to Summary on page 6. If no, continue in Part 2.

**PART
2**

C. PROMOTED A RELATIONSHIP

(Consider only when stranger or established a relationship criteria above do not apply.) Pursuant to 18-3-414.5(1)(a)(III), C.R.S., the offender **promoted an existing relationship** primarily for the purpose of sexual victimization when **the first item below is present and any other item is present** (check all that apply). List all data sources used in the box below.

- The offender took steps to change the focus of the relationship to facilitate the commission of a sexual assault such as but not limited to planning, increased frequency of contact, introduction of inappropriate sexual contact, stalking, seduction or drugging of the victim,

And

- The offender engaged in contact with the victim that was progressively more sexually intrusive, or
- The offender used or engaged in threat, intimidation, force or coercion in the relationship, or
- The offender engaged in repetitive non-consensual sexual contact, or
- The offender established control of the victim through means such as but not limited to emotional abuse, physical abuse, financial control or isolation of the victim in order to facilitate the sexual assault.

Please select the appropriate data source from the list on page 3.

Data source(s):

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

- Yes
- No

SUMMARY OF PART 2 RELATIONSHIP INFORMATION:

A. Meets **STRANGER** Criterion:

- Yes
- No
- NA because "B" or "C" is Yes

B. Meets **ESTABLISHED A RELATIONSHIP** Criteria:

- Yes
- No
- NA because "A" or "C" is Yes

C. Meets **PROMOTED A RELATIONSHIP** Criteria:

- Yes
- No
- NA because "A" or "B" is Yes

Please proceed to Part 3.

**PART
3A**

SOMB SEX OFFENDER RISK SCALE (SORS)

Pursuant to 16-11.7-103(4)(c.5), C.R.S. the Division of Criminal Justice worked in consultation with the Sex Offender Management Board (SOMB) to develop an actuarial risk assessment scale to be used in the identification of an offender's risk to fail. Data on demographic, index crime, criminal/juvenile history, sexual history and therapy/attitude characteristics were studied. Failure was measured at 12 and 30 months. Two-thirds of convicted male sex offenders scoring 4 or more on the 10-item scale below were nearly four times as likely (371%) to fail supervision or treatment as someone scoring below 4. Nine studies of sex offenders have found supervision or treatment failure to be correlated with the subsequent commission of a new sex crime. Women who score 0-3 are considered low risk. Women who score 4-8 are considered high risk but the probability for revocation is unknown due to the small number of women in the study. Please refer to the "Handbook: Sexually Violent Predator Risk Assessment Instrument Background and Instruction, June 2003" for additional information (available at <http://dcj.state.co.us/crs/cbcs.htm>).

Each item is scored 1 (YES) or 0 (NO). Missing information must be coded 0. Please indicate data sources.

P Probation Officer or SOTMP Therapist Please Complete Items 1 through 6

NA YES NO

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

E Evaluator or SOTMP Therapist Please Complete Items 7 through 10

NA YES NO

- 7. The offender reports that he was NOT sexually aroused during the current crime. *This does not apply to women.* (Sexual arousal refers to an erection. The erection must have been sustained throughout the sexual assault. Data sources include self-report and/or corroborating documentation such as the victim report and police report).
Data Source(s) _____
- 8. The offender scored 20 or above on the COLORADO-SOMB Denial Scale.
- 9. The offender scored 20 or above on the COLORADO-SOMB Deviancy Scale.
- 10. The offender scored 20 or below on the COLORADO-SOMB Motivation Scale.

The last three items on this scale are scored from the Colorado Sex Offender Management Board (SOMB) Checklist (attached).

TOTAL
Add number of "Yes" responses

Meets DCJ SEX OFFENDER RISK SCALE Criteria: (Total score of 4 or more "Yes" responses for both men and women)
 Yes
 No

Please proceed to Part 3B.

**PART
3B**

E Evaluator or SOTMP Therapist Please Complete Part 3B

3B MENTAL ABNORMALITY

Mental abnormality is referenced in 16-11.7-103(4)(c.5), C.R.S. The criteria defined below were found to be empirically linked with failure in the study described in Part 3A. Individuals who meet the following criteria are statistically more likely to fail treatment or supervision. The offender suffers from a **mental abnormality** if one of the following testing instruments indicates psychosis, or personality disorder that makes the person more likely to engage in sexually violent predatory offenses.

The offender meets this criterion when he or she scores:

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

Please indicate the score of the appropriate test below.

Psychopathy Checklist

PCL-SV SCORE: _____ →

OR

PCL-R SCORE: _____ →

- OR -

Millon Clinical Multiaxial Inventory (MCMI-III)

Narcissistic: _____ →

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 + [3A or 3B].

Defining Sexual Assault Crimes Criterion (Part 1)

- Yes
- No

Meets Date Requirement (Per Statute)

- Yes
- No

Meets Relationship Criteria (Part 2)

- Yes
- No

Scored 4 or more on DCJ Sex Offender Risk Scale (Part 3A)

- Yes
- No

Meets Mental Abnormality Criterion (Part 3B)

- Yes
- No

SOMB CHECKLIST

Please endorse each of the following items as they apply to the client. "0" means "does not apply at all" to a "5" meaning "applies very much". Please complete the entire form and fax it to DCJ at 303-239-4491.

Date _____ CR# _____ SS# _____

Client Name _____

SOMB Evaluator _____ Referring Probation Officer _____

	<i>Not at all...Very Much</i>		<i>Not at all...Very Much</i>
DENIAL		POSITIVE SOCIAL SUPPORT	
Denies actual facts of offense.	0 1 2 3 4 5	Has many pro-social friends.	0 1 2 3 4 5
Denies wrongness of actions.	0 1 2 3 4 5	Has close friends.	0 1 2 3 4 5
Minimizes prior offenses.	0 1 2 3 4 5	Interacts with friends regularly.	0 1 2 3 4 5
Portrays self as victim.	0 1 2 3 4 5	Has healthy family.	0 1 2 3 4 5
Blames others for the crime.	0 1 2 3 4 5	People are interested in his progress.	0 1 2 3 4 5
Holds grudges against "system".	0 1 2 3 4 5	People have offered to help him.	0 1 2 3 4 5
Says victim "wanted it".	0 1 2 3 4 5	Has friends/family he could live with.	0 1 2 3 4 5
Says therapy is unnecessary.	0 1 2 3 4 5	Has lived in same community for years.	0 1 2 3 4 5
DEVIAN'T SEXUAL PRACTICES		READINESS TO CHANGE	
Has no socially appropriate sexual outlet.	0 1 2 3 4 5	Verbalizes desire to change.	0 1 2 3 4 5
Engages in many forms of deviant sexuality.	0 1 2 3 4 5	Sees other ways of behaving.	0 1 2 3 4 5
Obsessed with deviant sexual practices.	0 1 2 3 4 5	Appears tired of old ways.	0 1 2 3 4 5
Engages in bizarre sexual practices.	0 1 2 3 4 5	Shows detrimental effects on victim.	0 1 2 3 4 5
Poor control of sexual behavior.	0 1 2 3 4 5	Has plan for change.	0 1 2 3 4 5
Talks constantly about sex.	0 1 2 3 4 5	Willingness to discuss sexual history.	0 1 2 3 4 5
Nothing seems "off limits" sexually.	0 1 2 3 4 5	Can see future in changing.	0 1 2 3 4 5
Masturbation is compulsive or excessive.	0 1 2 3 4 5	Eliminates deviant sexual behavior.	0 1 2 3 4 5
MOTIVATION		TAKING CARE OF BUSINESS	
Verbalizes desire for treatment.	0 1 2 3 4 5	Work/school stability.	0 1 2 3 4 5
Agrees with court order for intervention.	0 1 2 3 4 5	Keeps up on financial obligations.	0 1 2 3 4 5
Pays attention to evaluator.	0 1 2 3 4 5	Maintains stable family life/living situation.	0 1 2 3 4 5
Arrives for appointments on time.	0 1 2 3 4 5	Completes homework.	0 1 2 3 4 5
Is positive about evaluator's testing.	0 1 2 3 4 5	Takes responsibility for life incidents.	0 1 2 3 4 5
Actively participates in evaluation.	0 1 2 3 4 5	Reports/journals about stressful situations.	0 1 2 3 4 5
Completes evaluation requirements.	0 1 2 3 4 5	Reports/journals about anger.	0 1 2 3 4 5
Seeks additional help.	0 1 2 3 4 5	Reports/journals about high risk situations.	0 1 2 3 4 5
SOCIAL SKILLS		<i>Not at all...Very Much</i>	
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		
	<i>Not at all...Very Much</i>		

Although only three of these items are used in the SORS Risk Scale, all of these items were found to statistically correlate with revocation/treatment failure. Because scores can change over time, this checklist may be used by therapists or supervising officers as a set of dynamic indicators of supervision/treatment outcome.

**APPENDIX C:
SEXUALLY VIOLENT PREDATOR
ASSESSMENT SCREENING
INSTRUMENT FLOWCHART**

SEXUAL VIOLENT PREDATOR ASSESSMENT SCREENING INSTRUMENT FLOWCHART



