

COLORADO SEXUALLY VIOLENT PREDATOR ASSESSMENT SCREENING INSTRUMENT(SVPASI)

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

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

Review the 2010 SVPASI handbook prior to completion of this form for additional information and instructions.

ASSESSMENT SUMMARY:

Probation officers or trained DOC staff/contractors, based on the information provided on the following pages, please check the boxes that apply. Check the appropriate boxes below to indicate that the offender satisfies the legislative criteria for the definition of sexually violent predator pursuant to 18-3-414.5(1), C.R.S.

- The defendant is 18 years of age or older or has been tried as an adult, and has been convicted of, or received a deferred judgment and sentence for, one of the five crimes defined in Part 1, pursuant to 18-3-414.5(1)(a)(II) C.R.S., as revised to include attempt, solicitation, or conspiracy. **AND**
- The conviction occurred on or after July 1, 1999 for a crime committed on or after July 1, 1997, pursuant to 18-3-414.5, C.R.S. **AND**
- The victim was a stranger to the offender (Part 2A), **OR** the defendant established a relationship primarily for the purpose of sexual victimization (Part 2B), **OR** the defendant promoted a relationship primarily for the purpose of sexual victimization (Part 2C), pursuant to 18-3-414.5(1)(a)(III), C.R.S. If the offender refuses to participate in the assessment, this criteria is automatically affirmative. **AND**
- The defendant meets the prior conviction criterion (Part 3A). **OR**
- The defendant scores 8 or more on the Sex Offender Risk Scale (SORS, Part 3B), pursuant to 18-3-414.5 and 16-11.7-103(4)(c.5), C.R.S. **OR**
- Meets additional risk criteria (Part 3C), pursuant to 16-11.7-103(4)(c.5), C.R.S.
- YES, the offender DID meet SVP criteria.**
- NO, the offender DID NOT meet SVP criteria.**
- The offender refused to participate but DID meet SVP criteria.**
- The offender refused to participate but DID NOT meet SVP criteria.**

COURT OR PAROLE BOARD FINDING:

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

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

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

Office of Research and Statistics
Division of Criminal Justice
700 Kipling Street, Ste 1000
Denver, CO 80215
Fax: (303) 239-4491

BACKGROUND

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

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

(II) Has been convicted¹ on or after July 1, 1999 of one of the following offenses, including an **ATTEMPT, SOLICITATION OR CONSPIRACY TO COMMIT** one of the following, on or after July 1, 1997:

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

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

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

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

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

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

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

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

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

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

INSTRUCTIONS

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OVERVIEW

- o This instrument may require information from both the Pre-Sentence Investigation writer and an SOMB-listed sex offender evaluator; once complete, the instrument must be forwarded to the court.
- o For **Department of Corrections** cases, a trained DOC staff member or contractor must complete the instrument and forward it to the parole board when the offender is considered for release.
- o All completed forms for **Probation** must be faxed or mailed to the **Division of Criminal Justice** (see cover page).
- o A copy of the SVPASI handbook can be obtained from the Sex Offender Management Board (SOMB) or downloaded from http://dcj.state.co.us/ors/risk_assessment.htm.

PROBATION OFFICER

The probation officer completes **Part 1, Part 3A, Part 3B, the corresponding items on the Instrument Summary, and upon completion of this instrument, the Assessment Summary.** The probation officer then forwards the instrument to the SOMB-listed sex offender evaluator *along with police reports and victim statements.* **If the offender refuses to participate in the assessment, the probation officer shall, in coordination with the evaluator, complete the SVPASI (18-3-414.5(2)) based on a review of available records.** If either police reports or victim statements are NOT forwarded with this instrument to the SOMB evaluator, please indicate why here:

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

SOMB LISTED EVALUATOR

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

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

TRAINED DOC STAFF

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

Data sources used to complete this instrument must be identified:

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

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

PART 1

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

Offender's First Name:		Offender's Last Name:		CC#: (Court Case Number)	
SS#:		SID#:		ML# / DOC# (circle ID type):	
				DOB: (MM-DD-YYYY)	
Gender: <input type="checkbox"/> Male <input type="checkbox"/> Female		Ethnicity: <input type="checkbox"/> Caucasian <input type="checkbox"/> African American		<input type="checkbox"/> Hispanic <input type="checkbox"/> Other	
PO Name: (Does not apply to DOC cases)			PO Telephone Number: (Does not apply to DOC cases)		
Date Forwarded to SOMB Evaluator: (Does not apply to DOC cases)			Judicial District: (Does not apply to DOC cases)		
SOMB Evaluator/Trained DOC Staff Name:			Evaluator/Trained DOC Staff 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.; the offender was convicted on or after July 1, 1999 of one of the following crimes committed on or after July 1, 1997. **Attempts, solicitations, and conspiracies to commit the following crimes apply.** Conviction includes receiving a verdict of guilty by a judge or jury, pleading guilty or nolo contendere, or having received a **deferred judgment and sentence.**

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

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

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

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

PROCEED TO PART 2

PART 2

COLORADO | SEXUALLY VIOLENT PREDATOR | ASSESSMENT SCREENING INSTRUMENT

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

The relationship categories are identified in state statute. The following definitions were developed by representatives of the Sex Offender Management Board, the Judicial Department and the Department of Corrections to assist in the identification of sexually violent predators as outlined in 18-3-414.5(III) C.R.S.

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

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

A. STRANGER

Pursuant to 18-3-414.5(1)(a)(III), C.R.S., the victim is a **stranger** to the offender when the victim has never known or met the offender, or has met the offender but has little or no familiar or personal knowledge of said offender, prior to the current offense. See the manual if Internet or child pornography offenses are involved.

Meets **STRANGER** Criterion: Yes No

B. ESTABLISHED A RELATIONSHIP

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

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

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

C. PROMOTED A RELATIONSHIP

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

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

Meets **PROMOTED A RELATIONSHIP** Criteria: (*The promoted criteria are met when the first bullet and at least one of the bottom four bullets apply*): Yes No

SELECT THE DATA SOURCE(S) USED TO DETERMINE RELATIONSHIP CRITERIA

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

PROCEED TO PART 3

PART 3

3A. PRIOR SEX CRIME CONVICTION

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

Yes
 No

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

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

Pursuant to 16-11.7-103(4)(c.5), C.R.S., the Division of Criminal Justice worked in consultation with the Sex Offender Management Board (SOMB) to develop an actuarial risk assessment scale to be used in the identification of an offender's risk to be rearrested for a new sex crime. This research is described in the SVPASI handbook. Failure was measured as a new sexual arrest within 5 years. **A score of 8 or above reflects that the individual is 5 times as likely to commit a new sex crime compared to those scoring 0-7**

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

- | YES | NO | |
|---|----------------------------|---|
| <input type="checkbox"/> 2 <input type="checkbox"/> 1 | <input type="checkbox"/> 0 | 1. Age of the offender at the time of the index offense: Score 2 if offender was 25 or under, score 1 if offender was between 26 and 35, score 0 if over 35.
<i>Age at earliest event recorded in official records for the actual index/instant offense.</i> |
| <input type="checkbox"/> 2 | <input type="checkbox"/> 0 | 2. The offender was known to the victim. <i>The victim was not a stranger, but was the spouse, relative, friend, or acquaintance of the offender. Internet offenders may be considered strangers. See SVPASI handbook for more detail.</i> |
| <input type="checkbox"/> 1 | <input type="checkbox"/> 0 | 3. The offender has been revoked from community supervision as an adult 2 or more times in the past. <i>Refers to revocations on probation, parole, and community corrections, regardless of consequences or sanctions. Includes probation reinstatements. Includes revocations related to current and prior convictions.</i> |
| <input type="checkbox"/> 1 | <input type="checkbox"/> 0 | 4. The offender had NOT graduated from high school at the time of arrest. <i>If the offender did not graduate, score 1. The definition of graduation EXCLUDES the receipt of a GED UNLESS the offender has also attended any post-secondary educational program, including college, trade school or community college. If unknown, score 1 and list sources utilized to attempt to obtain this information:</i> |
| <input type="checkbox"/> 2 | <input type="checkbox"/> 0 | 5. The offender has one or more prior adult convictions. <i>Includes adult felony and misdemeanor convictions and deferred judgments and sentences that occurred prior to the index sex offense, but does not include adjudications as a juvenile. Includes misdemeanor traffic convictions. Does <u>not</u> include lesser traffic citations. Excludes convictions related to the current/index offense (e.g. multiple cases related to a singular incident).</i> |
| <input type="checkbox"/> 1 | <input type="checkbox"/> 0 | 6. The offender moved 2 or more times in the 2 years prior to arrest for the actual index/current offense. <i>Offender resided at 3 or more different addresses during this time frame. Score 1 if there has been any period of transience in the past 2 years. If unknown, score 0 and list sources utilized to attempt to obtain this information:</i> |

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

Total score of 8 or more: Yes No

PROCEED TO PART 3C

PART 3

3C. MENTAL ABNORMALITY

Mental abnormality is referenced in 16-11.7-103(4)(c.5), C.R.S. Mental abnormality, according to statute, "means a congenital or acquired condition that affects the emotional or volitional capacity of a person in a manner that predisposes that person to the commission of a criminal sexual act...." One of the following instruments must be completed by the evaluator, who must meet the minimum qualifications for administering the instrumentation utilized to make the following determination. Refer to the SVPASI handbook for more details regarding these qualifications. SKIP THIS SECTION IF THE OFFENDER REFUSES TO PARTICIPATE IN THE ASSESSMENT.

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

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

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

Meets Mental Abnormality Criteria: Yes No

PROCEED TO THE INSTRUMENT SUMMARY

INSTRUMENT SUMMARY

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

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