

**SOMB STANDARDS – ADULT:**  
**NEW SEXUALLY VIOLENT PREDATOR (SVP) INSTRUMENT & HANDBOOK**

TO: SOMB EVALUATORS, SUPERVISING OFFICERS & OTHER RELEVANT STAKEHOLDERS

FROM: SEX OFFENDER MANAGEMENT BOARD (SOMB)

RE: CHANGES TO THE SVP INSTRUMENT & HANDBOOK

DATE: February 23, 2015

The Sex Offender Management Board (SOMB) recently made revisions to the Sexually Violent Predator (SVP) instrument and handbook based on recent Colorado Supreme Court decisions as well as concerns about the applicability of the instrument to special populations (e.g., female sex offenders and offenders with developmental or intellectual disabilities (DD/ID)). The SOMB is tasked with developing and revising, in conjunction with the Division of Criminal Justice Office of Research and Statistics, the assessment instrument that determines which sex offenders are classified as SVP. There are four required basic criteria that sex offenders must meet before they can be determined to be SVP: 1) Age, 2) Date of Offense and Conviction, 3) Crime of Conviction, and 4) Relationship to Victim. While the age, date of offense and conviction, and crime of conviction requirements are clearly defined in statute (18-3-414.5 C.R.S.), the relationship criteria was not specifically defined. As a result, the SOMB provided assistance to evaluators in making this determination through guidance in the SVP Handbook. However, in 2013 the Colorado Supreme Court made a number of decisions about SVP cases in which the Court determined the SOMB did not have legislative authority to define the relationship criteria. As a result, the instrument, handbook, and processes have been amended to reflect this change.

The SOMB has replaced the previous guidance with information from the relevant Supreme Court cases. In addition, SOMB approved evaluators and supervising officers are now instructed to make recommendations about the relationship criteria based on this information with the understanding that the Court will make the final determination of the relationship criteria. As a result, all eligible sex offenders (based upon meeting the age, date of offense and conviction, and crime of conviction criteria) will now be assessed using the SVP instrument.

In addition, the SOMB also now notes the limitations of the SVP instrument with the female and DD/ID sex offender populations. Thus, language was added to provide caution and require evaluators and supervision officers to add a narrative to the SVP instrument explaining the instrument results along with a specific recommendation of whether to make a determination of SVP based on research and best practice for these populations.

The new materials are located at the SOMB website via <http://dcj.somb.state.co.us/> or the Office of Research and Statistics at the Division of Criminal Justice website via

<https://www.colorado.gov/pacific/dcj-ors>. The SOMB staff plan to provide regional trainings to the all stakeholders over the course of 2015, as well as via a webinar, to provide information on the specific changes and provide technical assistance.

Given this training need, the SOMB has determined that the new SVP instrument and process should be implemented over a period of 6 months with full implementation on September 1, 2015. Prior to the full implementation date, SOMB evaluators and supervision officers can use the current instrument and process until receiving the training, or the new instrument and process once training has occurred.

For questions, please contact Cathy Rodriguez, the Community Notification Coordinator, at 303-239-4499 or via email at [Cathy.Rodriguez@state.co.us](mailto:Cathy.Rodriguez@state.co.us).