

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 person is designated a sexually violent predator.**

Review the 2018 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 individual satisfies the legislatively defined eligibility criteria for the definition of sexually violent predator (SVP) pursuant to 18-3-414.5(1), C.R.S.

The person 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 person meets the prior conviction criterion (Part 3A). **OR**

The person scores 22 or more on the Sex Offender Risk Scale (SORS, Part 3B), pursuant to 18-3-414.5 and 16-11.7-103(4)(d), C.R.S. **OR**

Meets additional risk criteria (Part 3C), pursuant to 16-11.7-103(4)(d), C.R.S.

Yes, the person DID meet the above SVP criteria (court still must decide if relationship criteria are met and on SVP/non-SVP status).

No, the person DID NOT meet the above SVP criteria.

The person refused to participate but DID meet the above SVP criteria (court still must decide if relationship criteria are met and on SVP/non-SVP status).

The person refused to participate but DID NOT meet the above SVP criteria.

RECOMMENDATION REGARDING RELATIONSHIP CRITERIA:

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

The victim was a stranger to the offender (Part 2A), **OR** the offender established a relationship primarily for the purpose of sexual victimization (Part 2B), **OR** the offender 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 person refuses to participate in the assessment, this criteria is automatically affirmative.

COURT OR PAROLE BOARD FINDING:

The court or the parole board finds this person meets the criteria specified in 18-3-414.5, C.R.S. and finds that the person **IS** a sexually violent predator.

The court or the parole board finds this person does **NOT** meet the criteria specified in 18-3-414.5, C.R.S. and finds that the person **IS** a sexually violent predator.

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

The court or the parole board finds this person does **NOT** meet the criteria specified in 18-3-414.5, C.R.S. and finds that the person is **NOT** a sexually violent predator.

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 person 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:

- 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.

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

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

(IV) Pursuant to 18-3-414.5(1)(a)(IV), C.R.S., and 16-11.7-103(4)(d), 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)(d), C.R.S.

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

A person 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. Persons found to be sexually violent predators will also be placed on the Internet listing of sex offenders maintained by the Colorado Bureau of Investigation 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.

INSTRUCTIONS

OVERVIEW

- 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.
- 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 person is considered for release.
- A copy of the SVPASI handbook can be obtained from the Sex Offender Management Board (SOMB) or downloaded from <https://www.colorado.gov/pacific/dcj-ors/ors-riskscales>

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*. In the event no Pre-Sentence Investigation Report or Offense Specific Evaluation is ordered, and part 3C is needed to determine the criteria, the probation officer shall refer the offender to an SOMB Approved Evaluator. If the person 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).

PROCEED TO PART 1

COLORADO SEXUALLY VIOLENT PREDATOR ASSESSMENT SCREENING INSTRUMENT

P	<i>Probation Officer or Trained DOC Staff/Contractor Please Complete Part 1</i>	P 4 of 8
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1. PERSON INFORMATION

Person's First Name:	Person's Last Name:	CC#: (Court Case Number)
SID#:	ML#/DOC#:	DOB: (MM/DD/YYYY)
Gender: <input type="checkbox"/> Male <input type="checkbox"/> Female	Race/ethnicity: <input type="checkbox"/> Caucasian <input type="checkbox"/> Hispanic <input type="checkbox"/> African American <input type="checkbox"/> Other	
PO Name: (Does not apply to DOC)		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 #:
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 person 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 person 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 person 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

PROCEED TO PART 2

COLORADO SEXUALLY VIOLENT PREDATOR ASSESSMENT SCREENING INSTRUMENT

P/E

SOMB Evaluator, Trained DOC Staff or Probation Officer Complete Part 2.

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

The SOMB notes that the relationship criteria section of the SVP assessment screening instrument, although required by the statute, **is not based on research and may not be correlated with recidivism.** However, the SOMB recognizes that the offender's relationship to the victim can have a significant impact on the level of trauma to the victim.

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

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

A. STRANGER

The stranger relationship criterion "is satisfied where either the victim is not known by the offender or the offender is not known by the victim, at the time of the offense." When the trial court assesses whether or not the stranger criterion is met, "it should consider the context of the parties' relationship at the time of the offense." *People v. Hunter*, 307 P.3d 1083, 1086, 2013 CO 48, ¶ 10.

Meets the **STRANGER** Criterion: Yes No

B. ESTABLISHED RELATIONSHIP

An offender "establishes a relationship" with his/her victim primarily for the purpose of sexual victimization where he/she creates, starts, or begins a relationship primarily for that purpose. *People v. Gallegos*, 307 P.3d 1096, 1100, 2013 CO 45, ¶ 12.

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

C. PROMOTED A RELATIONSHIP

An offender "promotes a relationship" if, "excluding the offender's behavior during the commission of the sexual assault that led to his conviction, he otherwise encouraged a person with whom he had a limited relationship to enter into a broader relationship primarily for the purpose of sexual victimization." *People v. Gallegos*, 307 P.3d 1096, 1100, 2013 CO 45, ¶ 14.

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

D. NONE OF THE ABOVE

DOES NOT Meet Any Of The Above Relationship Criteria: Yes No

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

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

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Probation Officer or Trained DOC Staff Please Complete Parts 3A and 3B

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3A. PRIOR SEX CRIME CONVICTION

The person has previously been convicted in any state 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 2018 SVPASI handbook for further details regarding this item.

 Yes

 No

IF YES, PROCEED TO INSTRUMENT SUMMARY. IF NO, PROCEED TO PART 3B.

3B. SOMB SEX OFFENDER RISK SCALE (SORS) 2018

Pursuant to 16-11.7-103(4)(d), 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 a person's risk for recidivism. Recidivism was measured as a new court filing for a violent or sexual offense within 8 years. **A score of 22 or above, automatically calculated below, reflects that the individual falls into a risk category with a 50-60% likelihood of a new sex or violent crime court filing within 8 years. Note: Less than 5% of individuals assessed for SVP eligibility will score 22 or higher.**

The SORS formula is:

Score = (# Adult Cases x 2.1) + (# Juvenile Cases x 3.1) + (# Cases with a revocation x 2.2) – (Earliest Sex Offense Filing Age x .23)

This research is described in the 2018 SVPASI handbook.

Note that risk of recidivism for a new sexual or violent offense remains unknown for women and persons with developmental disabilities because the research sample used to develop this instrument included too few of these individuals. Caution should be exercised in the use of this instrument with these populations. For more information, please see the SOMB White Paper on women and risk assessment (available at <https://drive.google.com/file/d/0ByCqXGmcaW-aam1XTmliQnpudIU>) and Standards 2.061DD, 2.70DD, and 4.210DD.

Please fill in the information below and press the **Calculate** button. If you make a change press **Calculate** to update the score.

Total number of adult cases filed

(Include District and County cases in Colorado or another state with sex or non-sex misdemeanor or felony charges, regardless of conviction, excluding this case. Include cases in which age at offense was 18 or older, or less than 18 and filed as an adult.)

Total number of juvenile cases filed

(Include only Juvenile Delinquency cases in Colorado or another state with sex or non-sex misdemeanor or felony charges, regardless of conviction, excluding this case.)

Total number of cases containing a revocation from probation or community corrections

(Include District, County, and Juvenile Delinquency cases in Colorado only, having misdemeanor or felony charges. Include cases in which probation or community corrections was reinstated. Do not include parole revocations.)

Earliest sex offense filing age

(Age at filing date. Include District, County, and Juvenile Delinquency cases in Colorado or another state with sex misdemeanor or felony charges, regardless of conviction, including this case. Round age to the nearest full year.)

Total score

Meets SORS criteria:

Note that negative scores are possible and valid.

Evaluators using this instrument with women or persons with an Intellectual Disability (Intellectual Developmental Disorder), or if the evaluator has other significant concerns, shall also attach a document with an explanation of the scoring, limitations of the assessment, any relevant research, and a recommendation on whether the person should be designated a Sexually Violent Predator.

IF MEETS SORS CRITERIA PROCEED TO INSTRUMENT SUMMARY, OTHERWISE PROCEED TO 3C

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E	SOMB Evaluator or Trained DOC Staff Please Complete Part 3C	P 7 of 8

3C. Psychopathy or Personality Disorder

Pursuant to 16-11.7-103(4)(d), C.R.S., this assessment "...shall consider as one element the risk posed by an adult sex offender who suffers from psychopathy or a personality disorder..." 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 2018 SVPASI Handbook for more details regarding these qualifications. SKIP THIS SECTION IF THE PERSON REFUSES TO PARTICIPATE IN THE ASSESSMENT.

DCJ research has found that an individual 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 | <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-IV (MCMI-IV) scales: narcissistic, antisocial, and paranoid,
OR | <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. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

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

Meets Psychopathy or Personality Disorder Criteria: Yes No Refused testing

PROCEED TO INSTRUMENT SUMMARY

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P/E

INSTRUMENT SUMMARY

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To be designated a sexually violent predator, the person 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) <u>AND</u>	<input type="checkbox"/> Yes <input type="checkbox"/> No
Meets Date Requirement (Per Statute) <u>AND</u>	<input type="checkbox"/> Yes <input type="checkbox"/> No
Meets Prior Conviction Criterion (Part 3A) <u>OR</u>	<input type="checkbox"/> Yes <input type="checkbox"/> No
Meets SORS criterion on the DCJ SORS 2018 Scale (Part 3B) <u>OR</u>	<input type="checkbox"/> Yes <input type="checkbox"/> No
Meets Psychopathy or Personality Disorder Criterion (Part 3C)	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Refused testing
The evaluator agrees with the instrument findings for 3A, 3B, or 3C	3A <input type="checkbox"/> Yes <input type="checkbox"/> No 3B <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A (met 3A) 3C <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Refused testing <input type="checkbox"/> N/A (met 3A & 3B)
DID PERSON MEET THE ABOVE SEXUALLY VIOLENT PREDATOR CRITERIA? IF YES, THE COURT/PAROLE BOARD SHALL MAKE A DETERMINATION REGARDING THE RELATIONSHIP CRITERIA AND DETERMINE SVP STATUS.	<input type="checkbox"/> Yes <input type="checkbox"/> No <div style="text-align: right; font-size: small;">(Record this response on page 1 as well.)</div>