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.				
Review the 2014 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 (SVP) 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 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 the above SVP criteria. No, the offender DID NOT meet the above SVP criteria. The offender refused to participate but DID meet the above SVP criteria. The offender 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 offender meets the relationship criteria based on a recommendation from the evaluator. If the court/parole board determines that the offender DOES meet the relationship criteria, the court /parole board shall then consider whether to designate the offender as an SVP or not.				
☐ 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.				
COURT OR PAROLE BOARD FINDING:				
☐ 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 does NOT 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, <i>Probation Officers</i> must mail or fax <i>all completed pages</i> 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

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Probation officers and sex offender evaluators listed on the Sex Offender Management Board (SOMB) provider list or <u>trained</u> 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:
 - 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 18-3-403,² 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
 - 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 **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)(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 <u>trained</u> 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 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.

¹Convicted includes having pleaded guilty or nolo contendere, or having a received a deferred judgment and sentence per 18-3-414.5(b). ²Section 18-3-403 C.R.S. was repealed in 2000.

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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.
- All completed forms for **Probation** must be faxed or mailed to the **Division of Criminal Justice** (see cover page).
- A copy of the SVPASI handbook can be obtained from the Sex Offender Management Board (SOMB) or downloaded from http://www.colorado.gov/ccjjdir/ORS2/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:

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:

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 circle 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	COLORADO SEXUALLY VIOLENT PREDATOR ASSESSMENT SCREENING INSTRUMENT				MENT	
P Probation Officer or Trained DOC Staff/Contractor Please Complete Part 1 P 4 of					P 4 of 7	
CLIENT INFORM	MATION					
Offender's First Name: Offender's Last N			Name:	CC#: (Cour	rt Case Nu	mber)
SS#:	SID#:		ML# / DOC#	# (circle ID type):	DOB: (MI	M-DD-YYYY)
Gender:	 ☐ Male	Ethnicit	v· □ C:	aucasian	Hispa	nic
	Female		☐ At	frican American	Other	
PO Name: (Does not	apply to DOC case	s)	PO Telep	hone Number: (Do	es not apply t	o DOC cases)
Date Forwarded to	SOMB Evalua	tor: (December on the	ludicial F	District: (Does not app	alu to DOC oo	unan)
to DOC cases)	SOIVID EVAIUA	tor. (Does not apply	Judiciai L	nstrict. (Does not app	лу ю DOC са	ises)
SOMB Evaluator/T	rained DOC St	aff Name:	Evaluator	/Trained DOC Sta	ff Telepho	ne Number:
Date of Evaluation	:		Date Retu	irned to PO: (Does	not apply to D	OOC cases)
				_		
DEFINING SEXUAL		•	. ,	•		
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.						nt. Please
☐ Sexual assault in	violation of sec	ction 18-3-402, C.F	R.S., or sexua	al assault in the firs	t degree, ir	violation of
section 18-3-402	, C.R.S. as it ex	xisted 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

PARI 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, but not defined, in state statute. The following definitions were provided by the Colorado Supreme Court in their recent 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 have found that the Sex Offender Management Board (SOMB) was not given legislative 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 is not related to the statistical probability of risk for re-arrest for a new sexual offense. 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 criterion. Refer to the manual for further information and examples.						
Identify which of the	he following, if any, relationship cate	egories apply.				
A. STRANGER						
known by the victim,	at the time of the offense." When the trial der the context of the parties' relationship a	victim is not known by the offender or the offender is not court assesses whether or not the stranger criterion is t the time of the offense." People v. Hunter, P.3d				
Meets the STRANG	BER Criterion: ☐ Yes ☐ No					
B. ESTABLISH	HED A RELATIONSHIP					
		for the purpose of sexual victimization where he creates e v. Gallegos, P.3d (Colo. 2013)(09SC1084)(*1).				
Meets the ESTABL	ISHED A RELATIONSHIP Criterion:] Yes 🗌 No				
C. PROMOTEI	O 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, P.3d (Colo. 2013)(09SC1084)(*1).						
Meets the PROMOTED A RELATIONSHIP Criterion: Yes No						
D. NONE OF T	HE ABOVE					
DOES NOT Meet Any Of The Above Relationship Criteria:						
SELECT THE D	ATA SOURCE(S) USED TO DE	TERMINE RELATIONSHIP CRITERIA				
□ 1. Criminal History □ 2. Pre-Sentence Inv □ 3. Police Report □ 4. Mental Health Ev. □ 5. Official Record/Do □ 6. Child Protection oc □ 7. Demographic Info □ 8. NCIC □ 9. Education Record	estigation Process aluation cocumentation or Social Service Records ormation	 Victim Report (self report or from any data source) Sexual History (official record, self report) Sex Offense Specific Mental Health Evaluation Prison Record Self-Report CCIC Plethysmograph Examination or VRT Assessment Polygraph Other (Specify) 				

PROCEED TO PART 3

PARI 3					
COLORADO	SEXUA	LLY VIOLENT PREDATOR	ASSESSMENT SCREE	NING INSTRU	MENT
P Probation	n Officer o	r Trained DOC Staff Please	e Complete Parts 3A	and 3B	P 6 of 7
3A. PRIOR S	EX CRIM	E CONVICTION			
		een convicted as an adult of at lea			
		ined by C.R.S. 16-11.7-102(3). The			
		mes, hands off sexual offenses, l s. This EXCLUDES deferred judg		Yes	
failure to register a	and juvenile ad	djudications. Please refer to the 2	010 SVPASI handbook	∐ No	
for further details re	egarding this	item. PROCEED TO PART 3B			
3B. SOMB S	EX OFFE	NDER RISK SCALE (SO	RS) 2009		
		C.R.S., the Division of Criminal			
		develop an actuarial risk assessm or a new sex crime. This research			
		st within 5 years. A score of 8 or			
		me compared to those scoring			
Note that risk of re	arrest for a ne	ew sexual offense remains unkno	wn for women and person	s with develop	mental
		h sample used to develop this ins			
		of this instrument with these popul assessment (available at <u>https://</u>			
		haring&pli=1)and Standards 2.06			
instrument with w	vomen and p	ersons with developmental disa	abilities shall also attacl	h a document	with an
		nitations of the assessment, an		l a recommend	dation on
		identified as a Sexually Violen 0, 1 or 2. Check the appropriate r		e the SVPASI	handbook for
further details on c			capanac for each nom. of	ce the GVI AGI	nanabook toi
YES	NO				
		1. Age of the offender at the	time of the index offens	e: Score 2 if o	ffender was
□ 2 □ 1	□ 0	25 or under, score 1 if offende	er was between 26 and 3	35, score 0 if o	ver 35.
		Age at earliest event recorded in off	icial records for the actual inc	lex/instant offens	e.
□ 2	□ 0	2. The offender was known t			
	_ •	spouse, relative, friend, or acquaints strangers. See SVPASI handbook for		offenders may be	e considered
		9			
□1	□ 0	3. The offender has been rev	=	-	
<u> </u>		more times in the past. Refers corrections, regardless of conseque			
		revocations related to current and p			
		4. The offender had NOT gra	duated from high school	ol at the time o	f arrest. If the
∐ 1	□ 0	offender did not graduate, score 1.	The definition of graduation E	XCLUDES the re	ceipt of a GED
		UNLESS the offender has also atter college, trade school or community			
		to obtain this information:		and hist sources d	unzed to attempt
		5. The offender has one or m	nore prior adult conviction	ons Includes ac	lult felony and
□ 2	□ 0	misdemeanor convictions and defer			
		sex offense, but does not include ac	•		
		convictions. Does <u>not</u> include lesser current/index offense (e.g. multiple of			to trie
	_	6. The offender moved 2 or r	G	,	st for the
□ 1	□ 0	actual index/current offense.	_	-	
		time frame. Score 1 if there has bee	en any period of transience in	the past 2 years.	Ü
		score 0 and list sources utilized to a	ttempt to obtain this informati	on:	
		TOTAL CCORE			
T. (-1		TOTAL SCORE (Add up to	he scores for the items che	cked in Part 3B)	
Total score of 8	or more: _	」Yes □ No			
		or is developmentally disable			
recommendation to designate the offender an SVP? (Attach supporting documentation). \square Yes \square No					

COLORADO SEXUALLY VIOLENT PREDATOR	SEXUALLY VIOLENT PREDATOR ASSESSMENT SCREENING INSTRUMENT						
E SOMB Evaluator or Trained DOC Staff I	Please Complete P	art 3C	Р	7 of 7			
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	S.:					
	Check the approp	riate box:					
OO and the Development to Oh and I list		Yes	No	N/A			
 30 or more on the Psychopathy Check List Revised (PCL-R), OR 	PCL-R score 30+						
 85 or more on each of the following Millon Clinical Multiaxial Inventory (MCMI-III) scales: narcissistic antisocial, and paranoid, OR 							
70 or more on each of the following Coolidge Correctional Inventory (CCI) scales: narcissistic, antisocial, and paranoid.	CCI score 70+						
If the offender is assessed with more than one of the speciabove boxes, the offender meets the mental abnormality		'Yes' is inc	licated in	any of the			
Meets Mental Abnormality Criteria: Yes No							
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	☐ Yes					
Meets Date Requirement (Per Statute) AND		☐ Yes					
Meets Prior Conviction Criterion (Part 3A) OR		☐ Yes ☐ No					
Scored 8 or More on the DCJ SORS 2009 Scale (Part 38	B) <u>OR</u>	☐ Yes ☐ No					
Meets Mental Abnormality Criteria (Part 3C)		☐ Yes ☐ No					
DID OFFENDER MEET THE ABOVE SEXUALLY VIOLICRITERIA? IF SO, THE COURT/PAROLE BOARD SHALL MAKE REGARDING THE RELATIONSHIP CRITERIA AND DETERMINE SVE	A DETERMINATION	☐ Yes ☐ No	(Record the on page 1	nis response as well.)			