

# SEX OFFENDER MANAGEMENT BOARD (SOMB) MINUTES

Friday, September 21, 2018

## SOMB Members

Allison Boyd  
Amanda Gall  
Angel Weant  
Brie Franklin  
Carl Blake  
Jeff Jenks  
Jesse Hansen  
Jessica Meza  
John Odenheimer  
Kandy Moore  
Korey Elger  
Leonard Woodson  
Marcelo Kopcow  
Mark Waller  
Missy Gursky  
Norma Aguilar-Dave  
Richard Bednarski  
Rick May  
Sharon Holbrook  
Taber Powers  
Tom Leversee

## SOMB Guests

Alex Rodrigues  
Allison Brittson  
Amira Minazzi  
Christine Rinke  
Colton McNutt  
Conrad Gonzales  
Dale Jenkins  
Debra Baty  
Dena McClung  
Gary Reser  
Jeffery Lane  
John Fischer  
Laurie Kepros  
Layla Sadighi  
Lisa Mayer  
Lisa Nelson  
Pat Harris  
Rick Ostring  
Roger Kincade  
Susan Walker  
Tami Floyd  
Terri Pieros  
Wendy Bieseimeier

**Absent SOMB Members:** Jeff Shay, Mary Baydarian, Robin Singer, and Steve Moreno

**Staff:** Chris Lobanov-Rostovsky, Raechel Alderete, Marina Borysov, Kelly Hume, Paige Hansen, Yuanting Zhang, and Jill Trowbridge

**SOMB Meeting Begins: 9:03**

## **INTRODUCTIONS:**

Introductions were made by all SOMB Members and SOMB Staff, and audience members in attendance.

## **Future Agenda Items**

Dale Jenkins asked for a review of the Judicial Department Annual Statistical report in order to discuss community supervision for adults and juveniles, the forms the Judicial Department uses regarding client progression through the SOISP process, sex offense related sections of the report regarding outcomes of clients by district, and a review of the Probation Standards Terms and Conditions. Angel Weant asked what the purpose is of this review.

Dale Jenkins indicated that this would be informative for the Sex Offender Management Board (SOMB). Judge Kopcow indicated that this information will be discussed at the next Executive Committee meeting.

**ANNOUNCEMENTS:**

Chris Lobanov-Rostovsky introduced Dr. Yuanting Zhang as the new Statistical Analyst of the SOMB who was hired to help with the data collection process and analysis as required by the Legislature.

Raechel Alderete announced there is an open spot for a juvenile representative on the SOMB Best Practices Committee, and asked that anyone interested let her know.

Allison Boyd noted that October is Domestic Violence Awareness month and asked to possibly add the crossover from domestic violence to sexual offending as an agenda item in October.

Marina Borysov reminded the SOMB members of the strategic planning session scheduled on October 26<sup>th</sup> in Estes Park.

Chris Lobanov-Rostovsky indicated that there will be no SOMB meeting on October 19<sup>th</sup> due to the strategic planning session, and mentioned the next SOMB meeting will be at the PPA Event Center on Friday, November 16<sup>th</sup>.

Missy Gursky announced that she has left RSA, and noted that she is in the process of opening her own practice, with a focus on prevention work with adult and juvenile clients.

Jessica Meza announced she is leaving the Public Defender’s office, and indicated that she will be working in the private sector with a focus on adults, juveniles, and immigration advocacy.

Susan Walker thanked the SOMB for the cards and kind words of encouragement regarding the passing of her husband.

**APPROVAL OF AUGUST MINUTES:**

**Motion to approve the August minutes: Unknown; Unknown 2<sup>nd</sup> (Question #1)**

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| <b>18</b> | <b>Approve</b> | <b>0</b> | <b>Oppose</b> | <b>2</b> | <b>Abstain</b> | <b>Motion Passes</b> |
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**FEEDBACK INFORMED TREATMENT (Presentation) – David Prescott (Handout Provided)**

David Prescott gave a brief background of his work in the field, and indicated that after studying research, he asked what should be done to help the offenders to not recidivate. He noted that current best practice is the adherence to the principles of risk-need-responsivity, and mentioned that treatment providers need to be prepared to be the best for the clients and their needs.

Feedback informed Treatment (FIT) involves “the integration of the best available research and monitoring of patient progress (and of changes in the patient’s circumstances – e.g., job loss, major illness) that may suggest the need to adjust the treatment (e.g., problems in the therapeutic relationship or in the implementation of the goals of the treatment).”

The results when feedback is obtained:

- Reduced therapist variability
- Improved Outcomes
- Improved detection of at-risk cases

- It's not just about being open to feedback
- It's about getting data and using it effectively, with a goal of getting better

### **Board Discussion:**

Angel Weant discussed the difficulty in the application of training received, the lack of sustainability, and the difficulty of transferring what is learned into practice. David Prescott responded that leadership needs to encourage change and support implementation of new ideas and concepts.

Jesse Hansen asked if there is a difference in clinical supervision for those trainees coming into the field, and asked if clinical supervisors collect feedback on their supervision skills. David responded that improvements are being seen for new trainees coming into the field as a result of coursework. He also indicated that there is a movement toward feedback informed supervision.

### **Audience Discussion:**

Susan Walker asked how a therapist can relay the work done with a client to a supervision officer and the team. David Prescott responded the need to be skilled, and to know how to speak with the person you are talking to.

### **BREAK: 10:48 – 11:08**

### **ADULT STANDARDS SECTION 5.700-5.400, 5.755-5.756, AND 5.770-5.776 (Action Item) – Missy Gursky, Adult Standards Revisions Committee, and Chris Lobanov-Rostovsky, DCJ (Handout Provided)**

Chris Lobanov-Rostovsky indicated that this is an initial review of changes for a decision item to be made in November. He briefly described the changes made to date, and indicated the hard work the Committee has done. Chris mentioned that Section 5.700 is being completed in smaller pieces, some of which are an action item at this meeting. He went on to discuss that the revisions to these sections will be reviewed at this meeting, and asked that this information be relayed to stakeholders for feedback. Chris indicated that the feedback should be sent to Michelle Geng or Missy Gursky. He noted that this is an appointed committee (by the SOMB), and indicated that they are still working on the "clarification, contact, and reunification with victims" sections which are being addressed by the Victim Advocacy Committee. He noted the Committee is working through the feedback received from stakeholders for Section 5.700, and indicated that the Committee will meet again in October in order to fine-tune this section.

Chris Lobanov-Rostovsky reviewed the various sub-sections of 5.700 that were being addressed at this time as follows.

- Introduction
- Section 5.715 – Definitions - Which now include Incidental Contact, Purposeful Contact, and a discussion point regarding third party contact.
- Section 5.720 – Contact with Minor Children – Chris reviewed the pathways of when contact can occur, and indicated the absence of the contact prohibition language in this section.
- Section 5.725 – Exclusionary Criteria for Any Form of Minor Child Contact – Chris clarified the use of Psychopathy in this section, along with exception language that enables client re-assessment of this criteria under certain circumstances.
- Section 5.730 – Child Contact Screening (CCS) – This is a Decision Item and will be discussed later at this meeting.
- Section 5.735 – Criteria for CST Approval of Supervised Contact with Secondary and Non-Victim Minor Children – Chris noted that this section addresses non-offender children impacted by the offense, when contact has been prohibited by the Court or Parole Board, and in instances when contact is allowed, but the treatment provider has asked the client to voluntarily restrict contact while undergoing treatment. He reviewed that the treatment language, the language related to Section 6.000, and clinical indicators

language has been changed. Chris noted the inclusion of the new Section 3.000 treatment language and the use of the Polygraph as a clinical indicator. Chris mentioned that this section also includes criteria when deciding secondary victim contact, and also addresses the impact to the victim not having contact when the victim siblings have contact. He also indicated that this section includes language when the offender and child victim participate in treatment, and when exceptions to this treatment can be utilized.

- Section 5.736 – Ongoing Assessment of Supervised Contact with Secondary Victim and Non-Victim Minor Children – Reviewed the language that addresses continual client re-assessment as to whether contact is appropriate.
- Sections 5.740 – 5.750 – Chris noted that these sections are pending upon completion of revisions from the Victim Advocacy Committee.
- Section 5.760 Circumstances under Which Criteria May Be Waived – Chris indicated that section addresses situations when “temporary” contact is allowed with the victim or minor child, and the need to explain to the child why ongoing contact is not continued.
- Sections 5.775 – 5.792 - Chris briefly highlighted the language to these sections.

### **Board Discussion:**

Carl Blake indicated that in Section 5.715 G 2., some of the language seems to imply negativity on the part of the client, and noted the need for clarification of the use of the term Purposeful Contact, compared to the use of this term in Section 5.735. Chris Lobanov-Rostovsky responded that in this section it implies a negative use, while in the Section 5.735, this term is used in a more positive way. Judge Kopcow mentioned that there is no mention of the term purposeful contact on the new SOISP forms. Carl suggested using “Approved Purposeful Contact” and “Non-Approved Purposeful Contact” to clarify these two sections.

Carl Blake suggested combining Section 5.781 and Section 5.785 that would include the qualifications and the duties and responsibilities of an approved supervisor into one section. He also suggested adding the language from the Juvenile Standards, Section 11.200 M. which acknowledges the responsibility of an informed supervisor if there is a change in their willingness or ability to continue in that capacity. Carl also suggested adding this language to Section 5.790 or 5.791 regarding the role and qualifications of an approved community support person.

Kandy Moore asked why the community support person does not have to get a background check. Missy Gursky responded that is not done due to the fact that the community support person is not acting in situations where there will be purposeful child contact, and indicated that federal background checks are cost prohibitive which may dissuade many from wanting to be a community support person. Chris Lobanov-Rostovsky noted that this person could also be another “client” who would not pass the background check.

Allison Boyd asked the following questions:

1. Allison questioned the use of the language “the Court or the Parole Board will make the decision whether to allow contact” in Section 5.720. She also stated that this language contradicts the language in Section 5.730 which states that “Contact is ultimately determined by the CST, unless contact is currently not prohibited or restricted by the Court/Parole Board.” Judge Kopcow clarified that the new court order form will spell out whether contact is allowed or not.
2. Section 5.760 – Allison suggested clarifying the timing circumstances when criteria may be waived.
3. Section 5.770 – 5.775 – Contact with Adult Victims and Vulnerable Adult Populations – Allison asked if these were reviewed in the committee. It was indicated that they were reviewed and that she missed that meeting. She asked for the removal of “if any” from Section 5.770. Chris Lobanov-Rostovsky indicated that they will take this suggestion under advisement.

Korey Elger suggested adding an additional disqualifier to Section 5.782 when an approved supervisor is involved in sexual abuse cases that are not criminal. She also expressed concern that the language in Section 5.735

regarding if the custodial parent or legal guardian is supportive of contact in that they do not necessarily have authority in cases where there is sole custody versus joint custody. Allison Boyd pointed out that there is inconsistency with this language in this section. Chris Lobanov-Rostovsky indicated that this will be reviewed and revised as necessary.

Jessica Meza asked if it was considered how these standards affect children who are under the age of consent but sentenced in adult court regarding contact with siblings, and indicated this should be discussed. Allison Boyd pointed out that this is addressed in Section 5.720 E. where it discusses when the Young Adult Modification Protocol is in place.

Judge Kopcow questioned the Parental Role definition and how this term is used in Section 5.700. Missy Gursky responded that she will address this with Judge Kopcow individually. Chris Lobanov-Rostovsky indicated that this will be reviewed.

**Audience Discussion:**

Terri Pieros asked for clarification of Section 5.715 and 5.775 that both deal with Vulnerable Adult populations. Chris Lobanov-Rostovsky responded that these sections will be reviewed and revised as necessary.

Susan Walker expressed her concern with the use of “voluntarily” restricted contact language in Section 5.735.

Jeff Lane expressed concern regarding allowing grandparents unsupervised contact when exercising a parental role in Section 5.700, and noted that they are not specifically included in this language. Judge Kopcow indicated they are covered under the Burns ruling. Missy Gursky responded that this will be covered in section 5.750 – Unsupervised Contact with Offender’s Minor Child(ren) Under Age 18 regarding grandparents unsupervised contact. She noted that she will also review this section to ensure that the grandparents are included in any “parental role” discussions.

Christine Rinke asked if the Child Contact Screening (CCS) will not be mandatory for every client on probation. Missy Gursky responded that that is correct. Christine asked where the guidelines are that outlines the assessment for the CST when contact has not been prohibited. She noted there are inconsistencies of guidelines when the CST should go back to the court for contact modification, and asked what are the guidelines for the CST to continue to assess if or when this contact modification should be initiated. There was continued discussion regarding this request. Chris Lobanov-Rostovsky responded that this can be addressed and will be further clarified in Section 5.735. Christine also suggested referencing Section 5.736 back to Section 5.735. Angel Weant indicated that reassessment is done every six months while on probation, and noted that the courts do not necessarily know the risks at time of sentencing. Allison Boyd suggested to take a look at the contra-indicated language that was previously in the Standards as a way to clarify this issue.

Christine pointed out in Section 5.735 C. that the clinical indicators need to be more specific, and noted that some of this language is not applicable to that referred to in Section 3.160.

**LUNCH: 12:19 – 1:03**

**SOMB STRATEGIC PLANNING (Presentation) – Marina Borysov, DCJ, and Lori Demshar, JERA Partnerships**

Marina Borysov reviewed the SOMB strategic planning session process and expectations that is scheduled for October 26<sup>th</sup> in Estes Park, CO. She introduced Lori Demshar of JERA who will be facilitating this planning session.

Lori gave a preliminary overview of the interviews with the SOMB members. She indicated that the feedback received from the SOMB was consistent, and it was pointed out that those on each side of an issue felt the other side received a higher priority. Lori mentioned that this is what is needed to make progress and move forward.

Lori highlighted the following:

**What is going right:**

- Representation on the SOMB is great, with many subject matter experts, dedicated, and it was noted that the SOMB is doing really good work.
- There is respect for each other, their opinions, and viewpoints.
- Decisions are evidence-based using reliable research.
- The Executive Team is very good at facilitating the SOMB.
- The Staff is outstanding and are making the SOMB look good.
- The SOMB provides a forum where the public can voice their opinions and garner feedback.

**Opportunities for Improvement:**

- There is a lack of Board clarity, and frustration that not all are engaging equally.
- There is uncertainty of what is expected as a SOMB member including preparation for meetings.
- It was noted that some would like clarity as to what is expected regarding engagement.
- Some members are not sure of the purview of the Board, and need this clearly defined.
- It was noted that a mentoring and cross-training program would be good.
- The need for provider support was expressed, especially when implementing new revisions to the Standards.
- The need to develop a process to best implement the Standards and provide support was also indicated.
- Some mentioned that the size of the Board hinders progress, and would like to explore the composition of the board.
- Some noted that the amount of feedback can be overwhelming, and how to obtain pertinent feedback that will help in the decision making process.

Lori noted that JERA will use this information as the foundation of the retreat. She indicated that there will be a verbal and written report presented in November that will detail the work done at the October meeting.

Judge Kopcow indicated that the size of the board is statutorily mandated, and cautioned to be careful to not wander outside of the statutory authority.

**Board Discussion:**

Carl Blake asked if the intent at the October meeting will be to discuss the interviews more in-depth, with more open dialogue. Lori replied yes they will review and dig deeper into the feedback received. Carl also asked if there is there any follow-up that can be done with outside stakeholder groups so as not to misconstrue any feedback made by them. Lori responded that this is not planned, unless this process is opened up to stakeholders. She mentioned that there will be a time for stakeholders to voice their opinion at the November meeting. Chris Lobanov-Rostovsky responded that this is preliminary, with the intent being high level discussion, and noted the reviewers looked for more consensus versus outlier issues. He mentioned that most of these issues will be discussed, and noted that there should not be any confusion.

Allison Boyd asked how it was determined which stakeholders were interviewed. Chris Lobanov-Rostovsky responded that there were five outside stakeholder reviews from those who have key perspectives.

**ADULT STANDARDS SECTION 5.730 – CHILD CONTACT SCREENING PROCESS (Decision Item) – Missy Gursky, Adult Standards Revisions Committee, and Chris Lobanov-Rostovsky, DCJ (Handout Provided)**

Missy Gursky noted that this section was presented at last month's SOMB meeting, and indicated that the suggested changes and wordsmithing was completed. She mentioned that Item F. on page 1 was added. Chris Lobanov-Rostovsky noted that psychopathy is only included in the exclusionary criteria section, and mentioned it is not duplicated in the disqualifying criteria section.

**Board Discussion:**

Korey Elger expressed concern regarding the wording in Item F, and suggested changing "legal guardian have been consulted regarding contact" to "legal guardian have been in support of contact".

Richard Bednarski clarified that this statement is only consulting with the legal guardian to use the Child Contact Screening (CCS) when determining the appropriateness of contact.

Chris Lobanov-Rostovsky reiterated that the CCS is not an instrument, but a clinical process used to determine the appropriateness of child contact.

Korey Elger suggested additional language that reads "consulted and whether there is support for the contact or is documented."

Allison Boyd expressed concern about not having contact support from the custodial parent.

There was continued discussion regarding if the custodial parent denies contact, whether it should go back to court, and whether to include the parent's opinion in the CCS report. There was also concern that the court would overrule the custodial parent's wishes.

Missy Gursky noted that these cases are families that do not want to be separated, and indicated that this is a voluntary assessment that is paid by the offender.

Chris Lobanov-Rostovsky indicated that this is not ordering contact, but is lifting the prohibition of contact.

Carl Blake suggested adding a component at the end of Section 5.735 to the CCS document to gather information from the custodial parent, which would be a factor, but not stop the process at the beginning (see below).

- **Required Areas of Screening:**

- Contact with custodial parent or legal guardian regarding whether there is support for the contact regarding contact between the client and their own minor child.

- **Risk Factors**

- **Evaluation Procedures Key: "Required"**

- Collateral interview with custodial parent or legal guardian

**OR**

- **Keep Item F** to read "The custodial parent or legal guardian have been contacted."

Missy Gursky noted that the CCS/CCA evaluator will make the final recommendation based on the assessment and custodial parent agreement regarding contact.

Richard Bednarski made a motion to include that contact with parent or legal guardian has been attempted and if there is support for this contact at the end of the CCS. Corey Elger 2<sup>nd</sup> the motion. It was decided to strike Item F in Section 5.730.

Jessica Meza indicated the reason why a parent does not want child contact is important, and noted the assessment should be based on reason and research.

Allison Boyd expressed her desire to keep Item F, and suggested adding "The non-offending parent's opinion is a factor considered by the evaluator in making a recommendation on whether or not contact should be allowed." Judge Kopcow indicated that this will be considered if the motion fails.

Allison Boyd suggested removing the asterisk and the asterisked language from the Unresolved CCS Polygraph section on page 3 of the document, as it does not appear to be applicable to this section. Missy Gursky noted that this was used in the CCA, and indicated that it was carried forward to the CCS. Chris Lobanov-Rostovsky mentioned that this language has been included in all polygraph use situations since the Von Behren language was added.

**Audience Discussion:**

Laurie Kepros noted that the legal system is cognizant of the different legal avenues for the various child contact scenarios, and clarified that this language only speaks to the SOMB's decision to prohibit contact.

Gary Reser asked that if there is no consultation with the custodial parent, if this would give them "veto" power, and asked if there is a way to continue with the CCS process in these circumstances. Carl Blake responded that this language is giving the custodial parent "veto" power. He suggested putting this language in another section of the CCS that would include the position of the custodial parent as part of the assessment. Carl noted that this would take away "veto" power from the custodial parent.

Deb Baty expressed concern that the Court would overrule contact even if the custodial parents does not want contact.

Christine Rinke agreed with Allison Boyd regarding the asterisked language, and indicated that it is duplicative and is not applicable in this context. She noted that this language refers to Section 3.160 which does not apply in this context.

**Motion to approve the Adult Standards Section 5.730 – CCS as amended: Richard Bednarski; Corey Elger 2<sup>nd</sup> (Question #2)**

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| <b>13</b> | <b>Approve</b> | <b>6</b> | <b>Oppose</b> | <b>0</b> | <b>Abstain</b> | <b>Motion Passes</b> |
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Missy Gursky indicated that the Committee will be working on the CCS handbook and training for evaluators. Chris Lobanov-Rostovsky suggested that once the handbook and training are complete, that a rolling implementation date should be initiated.

**TERMS AND CONDITIONS OF PROBATION (PRESENTATION) – Angel Weant, State Judicial (Handout Provided)**

Angel Weant reviewed the Special Additional Conditions of supervision that have just been initiated by the State Judicial Department. She indicated that these changes were made as a result of recent case law involving internet and computer use. Angel indicated that these changes will not go into effect until November 1, 2018.



Angel Weant reviewed the three new options that the court may order when a defendant is under Condition #19:

- 23 – This section covers the use of the internet and all its modalities, and gives approval to the Community Supervision Team (CST) or Multi-Disciplinary Team (MDT) to remove Condition 19 (prohibition of internet use) without going back to court seeking a sentence modification.
- 24 – This section give access to computer systems and internet capable devices and all their modalities limited use for the purpose of employment (including seeking employment), School, or other purposes approved by the CST or MDT.
- 25 – This condition prohibits the use of any internet service provider and all its modalities unless approved by the Court. The CST or MDT's only option to remove this condition is to go back to court for a modification of the sentence.

She noted that the Courts will put on record the conditions regarding the use of the internet, computers, etc., and mentioned that these decisions will be based on the evaluation. Angel indicated that the evaluators will have to tease out the relevant risk factors for the Pre-Sentence Investigation (PSI) writer so they can relay this information to the Court. Judge Kopcow indicated that judges have a number of discretionary conditions that they can impose if proven necessary. He noted that the more background information that is presented to the Court, the better they can impose the most applicable restrictions.

- 26 & 27 – These conditions address the use of sexually stimulating material in all of its modalities, and indicates that if the court remains silent and does not impose special terms and conditions, then access is allowed. The CST or MDT's only option to remove this condition is to go back to court for a modification of the sentence.

Angel indicated that this again puts the evaluator in a situation to provide information, and noted they must tease out any risk factors in these areas for the PSI writer.

#### **Board and Audience Discussion:**

Tom Leverage noted that the SOMB has previously published a white paper differentiating the use of sexually stimulating versus sexually explicit material of sex offenders, and asked if those definitions are applicable under these conditions. Laurie Kepros responded that the terminology is under interpretation, and noted that it depends upon each case or situation as to what is applicable.

There was continued discussion regarding how the Court will use these conditions, and it was noted that the information given from the evaluation will indicate if these conditions will be imposed or not.

The discussion continued as follows:

- Tom Leverage expressed concern with the current terminology in Conditions 26 and 27 regarding sexually oriented or sexually stimulating material, which is not widely used when assessing risk factors. Angel Weant responded that she will take his concerns back to the Judicial legal team.
- Jeff Jenks indicated that sexually oriented or sexually stimulating material is not used in polygraph testing due to the vagueness of this terminology.
- Chris Lobanov-Rostovsky clarified Probation's position regarding this terminology, and indicated that sexually oriented indicates high level sexual materials, while sexually stimulating is considered lower level sexual materials. He noted that previously these conditions were automatically imposed, and mentioned that now the Court has to specifically indicate when these are imposed based on a nexus or rationale.
- Angel Weant asked all to send feedback to her which she will forward to the Judicial legal team. She indicated that these additional conditions are based on case law, and noted that they were vetted through the Chief Probation Officers, the Probation Standing Committee, and the Chief Judges. Angel mentioned

that the evaluators have to tease out these special conditions when evaluating the clients so the judges can make the best decisions for community safety.

- Angel Weant briefly reviewed Conditions 28 and 29. Chris Lobanov-Rostovsky indicated, regarding condition 29 which limits the use of commercial social networking, that these networks have policies in place that restrict usage by sex offenders. He noted that these policies should also be a consideration when allowing usage of such networks.
- Missy Gursky expressed frustration that these new conditions will have to be added to the evaluations.
- Jessica Meza indicated a need for a list of items that would be deemed appropriate sexually stimulating materials.
- Angel Weant reiterated that these additional conditions would be imposed at sentencing, but noted that if there is a need to change them for a client, then the CST or MDT can go back to court post-sentencing and ask for a re-imposition of any of these restrictions.
- Chris Lobanov-Rostovsky noted that the SOMB needs to come up with criteria to identify areas of consideration and guidance to evaluators.
- Laurie Kepros indicated that she understands the fear and anxiety coming from the SOMB, and noted the need for therapists to use their expertise to tease out the appropriate treatment and risk factors. She reiterated that when a client violates a treatment contract, then he or she are already in violation with Probation, and noted that these additional conditions become a moot point.
- Carl Blake asked if there is a way to connect the SOMB with Judicial to encourage cross-collaboration and ease the tension that currently exists. He noted that there is more work put on the backs of the evaluators without regard to the extra time and costs involved. Angel Weant responded that all input from the evaluators has been given to the Judicial legal department, stressed that these are not Probation conditions, and indicated that these are legal conditions coming from case law.
- Tom Leversee noted that these conditions are incongruent with evidenced based standards.
- Gary Reser noted that from an evaluators perspective, they will need to have concrete evidence to back up their client evaluation assessments, and noted the need to continue to use the risk-needs-responsivity model with each client.
- Judge Kopcow reminded all that this agenda item is not a decision item, and noted this is just a time of giving input and recommendations for Judicial.
- Terry Pieros indicated that these changes should only be created as a result of research based information. Judge Kopcow responded that this is a reaction to litigation from Federal and State case law, and noted the need to be compliant with these changes in law.
- Deb Baty reiterated the onus placed on evaluators to tease out these risk factors in the limited amount of time that is spent doing the evaluation, and expressed concern that Probation, as part of the CST, always defaults to the conditions of probation, which may cause problems on the CST.
- It was asked by an audience member how these new additional conditions apply to those currently on probation. Angel Weant responded that these new conditions are not retro-active, and noted that if these conditions come into effect, then a client can go back to court for a modification of their terms and conditions. Judge Kopcow indicated that in reality, this does not happen often.
- Susan Walker stressed that clients need to get jobs, need access to cell phones, and access to the internet for job searches. She asked if this will open the door for more client access to cell phones and the internet. Judge Kopcow responded that the U.S. versus Uhlmann was the case that clarifies that offenders have access to these tools under restrictive conditions.

**DEFINITION OF RISK RELATED SEXUAL INTERESTS AND BEHAVIOR PATTERNS (Decision Item) – Tom Leversee, Best Practices Committee, and Kelly Hume, DCJ (Handout Provided)**

Tom Leversee reviewed that this was an action item last month, and indicated that the terminology “deviant sexual interest” and “deviant sexual arousal” was changed to “risk related sexual interest” and “risk related

sexual behavior patterns” based on current trends and evidence-based research. He indicated that this new definition individualizes the risk and needs of clients and provides much more guidance.

Kelly Hume noted that Footnote 1 was added to give context to the new terminology.

Richard Bednarski made a motion to approve this definition document. Kandy Moore 2<sup>nd</sup> the motion.

**Board Discussion:**

Carl Blake made an amended motion to approve this document with the understanding that the Adult and Juvenile Standards will be updated with this new terminology.

**Audience Discussion:**

None

**Motion to approve the Definition with guidance to Standards Revisions: Richard Bednarski; Kandy 2<sup>nd</sup> (Question #3)**

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| <b>13</b> | <b>Approve</b> | <b>1</b> | <b>Oppose</b> | <b>0</b> | <b>Abstain</b> | <b>Motion Passes</b> |
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**ADULT STANDARDS SECTION 3.170 (Decision Item) – Chris Lobanov-Rostovsky (Handout Provided)**

Chris Lobanov-Rostovsky indicated that this section of the Adult Standards addresses the issue of not mixing low risk individuals with higher risk individuals in group treatment. He reviewed the public comment regarding using alternative treatment modalities when a suitable group is not available and suggested the following revision:

- Revising the last sentence in Item C to read – *"Where a risk-level appropriate group is not available to a client, treatment providers should use alternative modalities such as individual therapy, or refer to another provider who has a risk-level appropriate group."*

Carl Blake noted that he is not in favor of the change as it does not address those in the underserved rural areas by sending a client to another group that may be many miles away. He mentioned that the use of other treatment modalities is a much better option for those in both urban and rural areas.

Tom Leversee made a motion to ratify the document as is with no revision. Korey Elger 2<sup>nd</sup> the motion.

**Motion to ratify document as is: Tom Leversee; Korey Elger 2<sup>nd</sup> (Question #4)**

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| <b>16</b> | <b>Approve</b> | <b>0</b> | <b>Oppose</b> | <b>0</b> | <b>Abstain</b> | <b>Motion Passes</b> |
|-----------|----------------|----------|---------------|----------|----------------|----------------------|

**SOMB Meeting Adjourned: 3:17**

Session Name: New Session 9-21-2018 12-32 PM

Date Created: 9/21/2018 9:20:11 AM Active Participants: 20 of 24

Average Score: 0.00%

Questions: 4

## Results Detail

| Name                      | Q1 | Q2 | Q3 | Q4 | Total Points | Score |
|---------------------------|----|----|----|----|--------------|-------|
| Answer Key                | -  | -  | -  | -  | 0.00         | -     |
| Aguilar-Dave, Norma       | 1  | 1  | 1  | 1  | 0.00         | -     |
| Bednarski, Rick           | 1  | 1  | 1  | 1  | 0.00         | -     |
| Blake, Carl               | 1  | 1  | 1  | 1  | 0.00         | -     |
| Boyd, Allison             | 1  | 2  | -  | 1  | 0.00         | -     |
| Elger, Korey              | 1  | 2  | 1  | 1  | 0.00         | -     |
| Franklin, Brie            | 3  | 2  | 1  | 1  | 0.00         | -     |
| Gall, Amanda              | 1  | 2  | 2  | 1  | 0.00         | -     |
| Gusky, Missy              | 1  | 1  | 1  | 1  | 0.00         | -     |
| Hansen, Jesse             | 1  | 1  | 1  | 1  | 0.00         | -     |
| Holbrook, Sharon          | 1  | 1  | 1  | 1  | 0.00         | -     |
| Jenks, Jeff               | 1  | 1  | -  | -  | 0.00         | -     |
| Leversee, Tom             | 1  | 1  | 1  | 1  | 0.00         | -     |
| May, Rick                 | 1  | 2  | -  | -  | 0.00         | -     |
| Meza, Jessica             | 1  | 1  | 1  | 1  | 0.00         | -     |
| Moore, Kandy              | 1  | 1  | 1  | 1  | 0.00         | -     |
| Odenheimer, John          | 1  | -  | -  | -  | 0.00         | -     |
| Powers, Taber             | 1  | 1  | 1  | 1  | 0.00         | -     |
| Waller, Mark              | 1  | 2  | -  | -  | 0.00         | -     |
| Weant, Angel              | 3  | 1  | -  | 1  | 0.00         | -     |
| Woodson III, Lenny        | 1  | 1  | 1  | 1  | 0.00         | -     |
| Participant List Averages | -  | -  | -  | -  | 0.00         | -     |

1.) Motion to approve August minutes (Multiple Choice)

| Responses     |             |           |
|---------------|-------------|-----------|
|               | Percent     | Count     |
| Yes           | 90%         | 18        |
| No            | 0%          | 0         |
| Abstain       | 10%         | 2         |
| <b>Totals</b> | <b>100%</b> | <b>20</b> |

2.) Motion to approve the document as amended (Multiple Choice)

| Responses     |             |           |
|---------------|-------------|-----------|
|               | Percent     | Count     |
| Yes           | 68%         | 13        |
| No            | 32%         | 6         |
| Abstain       | 0%          | 0         |
| <b>Totals</b> | <b>100%</b> | <b>19</b> |

3.) Motion to approve the definition with guidance to Standards revisions (Multiple Choice)

| Responses     |             |           |
|---------------|-------------|-----------|
|               | Percent     | Count     |
| Yes           | 93%         | 13        |
| No            | 7%          | 1         |
| Abstain       | 0%          | 0         |
| <b>Totals</b> | <b>100%</b> | <b>14</b> |

4.) Motion to ratify document as is (Multiple Choice)

| Responses     |             |           |
|---------------|-------------|-----------|
|               | Percent     | Count     |
| Yes           | 100%        | 16        |
| No            | 0%          | 0         |
| Abstain       | 0%          | 0         |
| <b>Totals</b> | <b>100%</b> | <b>16</b> |