

# **SEX OFFENDER MANAGEMENT BOARD (SOMB) MINUTES**

## **Friday, January 20, 2017**

### **SOMB Members**

Allison Boyd  
Angel Weant  
Brie Franklin  
Carl Blake  
Jeff Jenks  
Jeff Shay  
Jessica Curtis  
Jessica Meza  
John Odenheimer  
Kandy Moore  
Korey Elger  
Leonard Woodson III  
Marcello Kopcow  
Mary Baydarian  
Merve Davies  
Missy Gursky  
Norma Aguilar-Dave  
Richard Bednarski  
Rick May  
Tom Leversee

### **Visitors**

Allison Capranelli	LeRoy Verneti
Carolyn Turner	Lindsay Sova
Cassi Sattazahan	Lisa Scanga
Christina James	Lonnie McCarron
Colton McNutt	Louis Irwin
Dan Martin	Mable Banks
Deb Baty	Martin Leopard
DeeAnn Major	Maura Denko
Dena McClung	Michelle Chosmer
Elena Hernandez	Mike Conroy
Elisabeth Garcia	Mitch Murray
Garcia Augustine	Nicole Leon
Gary Reser	Pat Harris
Irene Aguilar	Roberta Ponis
Jean Powers	Roger Kincade
Jeff Geist	Scott Stack
Jeffrey M. Jorden	Susan Walker
Jim Kettering	Tami Floyd
Joe E. Hart	Tanya Watson
John Martinez	Tom Nelson
Josh Keehne	Valerie Estrada
Laurie Kepros	Wendy Bieseimer

**Absent SOMB Members:** Alli Watt, Amy Fitch, and Kim English

### **Staff:**

Chris Lobanov-Rostovsky	Raechel Alderete	Michelle Geng
Kelli Reynolds	Marina Borysov	Jill Trowbridge

**SOMB Meeting Begins: 9:02**

### **INTRODUCTIONS:**

Introductions were made by all members and visitors present.

Judge Kopcow reviewed the rules for testimony at the Sex Offender Management Board (SOMB) meeting.

### **FUTURE AGENDA ITEMS:**

Jessica Meza mentioned the need for a presentation on trauma therapy and the benefits of this treatment. Raechel Alderete responded that she is working on trauma training with Bob Emerick to fulfill this need.

### **Announcements:**

Carl Blake noted that there was no public comment on the Juvenile Standards Definitions and that these will now be ratified.

Raechel Alderete mentioned that the call for papers went out for the July 12 – July 14, 2017 SOMB conference at Beaver Run. She noted that the deadline for these proposals is February 28 by 5:00 pm and asked all SOMB members to reach out to their stakeholders

for any interest in speaking at this conference. Raechel mentioned that there will be 23 sessions plus key-note speakers at this year's conference.

Kelli Reynolds announced that there will be paper surveys sent out for the Colorado Youth Project.

Raechel Alderete noted that the missing information in the Administrative Policies of the Juvenile Standards has been added to the online version.

**APPROVAL OF DECEMBER MINUTES:**

No Discussion

**Motion to approve the December Minutes: (Question #1)**

<b>16</b>	<b>Approve</b>	<b>0</b>	<b>Oppose</b>	<b>3</b>	<b>Abstain</b>	<b>Motion Passes</b>
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**ADULT POLYGRAPH STANDARDS REVISIONS (Decision Item) – Jeff Jenks and Chris Lobanov-Rostovsky** (Handout Provided)

Chris Lobanov-Rostovsky reviewed the revisions, as requested, on the handout. He noted that these were sent previously and that they are to be voted on today.

Judge Kopcow asked what the reference to Standard 3.160 I.2 is. Chris Lobanov-Rostovsky replied that this refers to the Burns language included in the sex offender treatment methods.

**Board Comments:**

Merve Davies pointed out the title of this section is "Standards of Practice" and that Section 6.002 is titled "Recommended Guidelines". He questioned why there are guidelines within a standard and that there are also discussion points included to clarify. Chris Lobanov-Rostovsky responded that the committee felt this information was helpful and the need to be less prescriptive in this section.

Tom Leversee suggested a change to Section 6.002 in the third line to read should ultimately "be based on the risk and treatment needs of the offender".

Allison Boyd noted in Section 6.002 that the second sentence could be interpreted that polygraph would not have to be done at all. She suggested changing the third line to read, "Be based on the risk, supervision, and treatment needs of the offender". She presented a motion to approve this document, strike the second sentence altogether, and add "risk, supervision, and treatment needs to the first sentence. Jeff Jenks seconded the motion.

Angel Weant clarified that this language was derived from the Best Practices Committee recommendations and that Section 5.000 will have more specific direction pertaining to the use of polygraph.

Carl Blake indicated the need to revise the language in 6.002 and that it is premature to do so until the 6.000 Polygraph Committee finishes with all revisions. Chris Lobanov-Rostovsky responded that this section is only a general guideline and that the specifics for monitoring and maintenance exams will be addressed later in Section 6.000.

Jessica Meza indicated that removing the second sentence would send the wrong message.

Missy Gursky replied that polygraph is required and to see Section 6.012 which is a standard with clear direction.

Mary Baydarian agreed that there has been confusion and that the removed sentence should be included.

Carl Blake suggested removing the word "guidelines" from the Section 6.002 title.

**Audience Comments:**

Susan Walker stated that the second sentence regarding frequency and duration was a goal of the Best Practices Committee.

Laurie Kepros asked how timeframes can be a consideration when the standards are to be individualized. She also mentioned that supervision and the specific use of polygraph is addressed in Section 5.000 and feels the timeframes do not need to be addressed in Section 6.000. Laurie also noted that the footnote 6 in Section 6.012 was a very limited study, did not include all the parameters, and is not evidenced-based.

Gary Reser mentioned that polygraphs occur when the client has the funds to pay and that late polygraphs occur due to the lack of client funds.

Dale Jenkins suggested to limit the use of polygraphs for high risk offenders, and to eliminate timeframes.

**Board Discussion:**

Jessica Curtis, in response to Laurie Kepros, asked to be able to see the research on Footnote 6 to look at its credibility. Chris Lobanov-Rostovsky will circulate the research information for the SOMB to review. He noted that this document is to be voted at this meeting and that there will be 20 day comment period during which the SOMB can comment.

**Motion to Approve 6.000 Adult Polygraph Standards as amended: Allison Boyd; Jeff Jenks 2<sup>nd</sup> (Question #2)**

<b>11 Approve</b>	<b>7 Oppose</b>	<b>0</b>	<b>Abstain</b>	<b>Motion Passes</b>
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Judge Kopcow noted that this will be open for 20 day comment.

**JUVENILE STANDARDS REVISIONS APPENDICES CROSSWALKS (Public Comment Review/Decision Item) – Carl Blake and Raechel Alderete** - (Handout Provided)

Raechel Alderete reviewed the two areas of new feedback changes. She noted that these new revisions are for final review and that all other red changes have been approved previously. Raechel noted that one other public comment was on healthy sexuality and that it will be addressed in Section 3 and in the appendices.

Chris Lobanov-Rostovsky mentioned the inclusion of the ATSA adolescent guidelines for plethysmograph and polygraph usage in the Standards will be a future agenda item.

**Board Comments:**

Tom Leversee noted that the Viewing Time section citation is out of date and is from the adult ATSA guidelines, and citing adult research is inappropriate. Tom made a motion changing the second sentence to read "Viewing Time is used as a measure of sexual interest, there is some research to support the use of viewing time, and that more research is needed (Worling 2012)".

Carl Blake suggested removing this discussion point language and to review Tom Leversee's research reference. He noted that this can be made a discussion point at a later date.

Raechel Alderete mentioned that the appendix on Penile Plethysmography (PPG) has been removed and that this was an attempt to include the language in the standards. She noted that direction is provided through discussion points.

Jessica Curtis stated her concerns of removing the discussion point.

Chris Lobanov-Rostovsky noted that this discussion is outside of the purview of today's vote related to reviewing public comment.

Judge Kopcow asked Carl Blake if the revised Viewing Time language can be ready for next SOMB meeting. Carl Blake responded that it will be dependent upon the research and could possibly be ready.

Chris Lobanov-Rostovsky suggested tabling discussion until the Juvenile Standards Committee can review the suggested changes and research.

Tom Leversee withdrew his motion and recommended tabling this issue.

**BREAK: 10:21-10:39**

**LIFETIME SUPERVISION CRITERIA (Action Item) – Lenny Woodson, Department of Corrections** (Handout Provided)

Dr. Colton McNutt and Lenny Woodson reviewed the history of the lifetime supervision criteria and the current revisions to risk levels using the risk-needs-responsivity model.

Dr. Colton McNutt described the current Department of Corrections (DOC) sex offender intake and treatment process, and the assessments used to identify risk.

**Board Comments:**

Merve Davies asked how the DOC is able to incorporate evaluation data received from a 3-point dynamic risk scale into a system that uses a 5-point scale. Lenny responded that the DOC is using SOTIPS evaluation data on a 5 pt. scale.

Allison Boyd questioned that item B. (Moderate to Moderate-High Risk Category) does not appear to include High Risk.

John Odenheimer asked if an offender is selected for sex offender treatment by length of sentence, by risk, or by lifetime supervision status. He also asked how an offender gets into treatment in the DOC. Lenny Woodson responded that priority is given to lifetime supervision sentences and by parole eligibility date. He also noted that these questions can be covered in more detail at a future presentation to the SOMB.

Jessica Meza asked if offense specific risk evaluations that are done at the time of sentencing for offenders with 20-30 year sentences is a waste of resources. Colton McNutt responded that these provide useful information and are not a waste of resources.

**Audience Comments:**

Dena McClung questioned the low to low-moderate risk category not requiring a supervisory support person. Lenny Woodson responded that many clients do not have a support person in the community. Dena also questioned Lenny about the use of "closed" and "open" therapy groups. Lenny responded that they now have open groups.

Susan Walker asked the percentage of high-risk offenders versus low risk offenders entering the treatment program. Lenny Woodson responded that he did not have this specific information today.

Dale Jenkins requested the removal of the word "verified" in item #2. She asked if there has been any impact to parole board decision statistics regarding the use of polygraph and if offenders are being removed from treatment due to polygraph failures. Lenny Woodson responded that they are not terminating treatment due to polygraph failures and that there is a comprehensive process to remove someone from treatment. He also responded that there has been a steady increase in paroles and is not sure what criteria the Parole Board uses, but that he has trained them on what it takes for a client to meet the criteria.

Deann Major noted that from the Developmentally Disabled/Intellectually Disabled (DD/ID) perspective regarding the written plan to manage ongoing risk is not always feasible depending upon the disability, and noted that the DOC should take these special situations into consideration. Deann also questioned if there is an appeal process for the use of involuntary psychiatric medication. Lenny replied that the client can indicate with his psychiatrist if a medication is not working and ask to change or terminate use of the medication. Deann asked if the treatment is modified for DD/ID offenders in Section B 1 of the handout. Colton McNutt responded 'yes', and that it is in the DOC guidelines to address the DD/ID needs. He also noted that the DOC has specific facilities that address the special needs of these clients. He went on to describe a recent situation with an offender who could not write and how the DOC handled that situation using a scribe.

Susan Walker mentioned the shortage of transitional housing when a client gets out of prison and into community corrections.

Lenny Woodson reviewed the changes to the Lifetime Supervision Introduction section that included the Risk-Needs-Responsivity process language.

**Board Discussion:**

No discussion

**Audience Discussion:**

Laurie Kepros noted that the statutory reference in the first paragraph is incorrect and should be C.R.S. 18-1.3-1009.

**Board Discussion:**

Allison Boyd suggested that a statement be included about the challenges of accurately assessing risk for a person who is incarcerated. Colton McNutt responded that in the summary section of the risk assessment he notes that risk factors are reduced because of environment and that when presented in the community the offender can be met with additional challenges to trigger them.

Dena McClung mentioned the Joint Judiciary Committee indication that there are issues related to finding verified treatment providers for the SOTMP due to SOMB restrictions. Lenny Woodson responded that the DOC has made some progress in finding providers and that this continues to be an ongoing challenge that is not new to the Department of Corrections.

Chris Lobanov-Rostovsky noted that at the Judicial Budgetary Committee (JBC) hearing there was discussion of the challenge of identifying providers in rural areas of the State. He mentioned that the Standards have a competency-based approach and allow for approval of associate level providers in a timely manner and that this issue is due to the lack of providers in these remote areas rather than limitations of the Standards.

**LUNCH: 11:30 -12:18**

**SOMB STANDARDS REGARDING BURNS CASE (Action Item) – SOMB Executive Committee, Ingrid Barrier, Joe Thome**  
(Handout Provided)

Chris Lobanov-Rostovsky reviewed the current Standard in Section 5.310 H. regarding the Burns language and reviewed the request for more affirmative language from Tim Johnson. He described both the Judicial and Parole language related to contact with one's own child to see what direction the SOMB may want to go.

Angel Weant outlined the Judicial process in revising their conditions to include the Burns language. Handout provided. Angel noted that it includes "sibling" contact which is not currently in the Adult Standards, and also noted that if the judge remains silent on restricting or prohibiting own child contact, then contact is allowed. Judge Kopcow mentioned that if a judge orders contact restriction or prohibition, the judge needs to make findings on the record as to why the restrictions are being placed.

Jeff Geist similarly described the Parole language.

Chris Lobanov-Rostovsky mentioned that the SOMB should provide direction to craft language for own child contact and should consider whether it needs to be consistent with Judicial and Parole.

Michelle Geng noted that currently the SOMB Standards allow contact with own minor child victim, and that Probation conditions do not allow that.

Jeff Jenks asked what the legal reasoning is behind the absence of the contact restriction from the courts when the default is contact is allowed. Judge Kopcow responded that this is a constitutional right to parent your own child and that the default position is contact unless the courts can prove reasons for restriction.

Merve Davies noted that the evaluations now need to be written differently, and indicated in the past, the default position of the SOMB Standards was "no contact" unless the courts order otherwise. Judge Kopcow responded that the evaluations from providers are very important for the courts to make these determinations and that the Standards are very important on this issue. He indicated that the courts need as much information as possible on the day of sentencing to make an intelligent decision.

Carl Blake indicated that providers cannot impose contact restrictions when the courts have not made this restriction, unless the client voluntarily agrees to no contact.

Angel Weant reiterated that the new judicial language clarifies the default of own child contact unless the courts make contact restrictions.

Allison Boyd indicated regarding treatment when there is CST conflict regarding own child contact, then the CST should go back to the courts for a determination. Carl Blake responded to Allison that he agrees that the default should be "contact" unless child safety is determined to be a risk, and noted that the Standards should be written to give the providers safety from being grieved.

Angel Weant requested removing "subsequent" Court/Parole Board Order from the current language in Section 5.310 H.

Jessica Curtis indicated her support of the current language with the removal of "subsequent".

There was continued discussion regarding the contact vs. no-contact issue.

Carl Blake noted that the sibling issue will be a larger issue for the Juvenile Standards and that the SOMB needs to make a determination.

Judge Kopcow responded that this will be put on next month's agenda.

There was consensus for the Executive Committee to attempt to craft new language for SOMB review in February.

**Commissioner Nancy Jackson:**

Chris Lobanov-Rostovsky thanked Commissioner Jackson for her diligent service to the SOMB over the years and her work with her stakeholders in keeping them informed of the many issues.

**COMMITTEE UPDATES (Action Item)** (Handout Provided) - (Discussion/Comments)

**Family Engagement Committee:** Bobbi Ponis gave an update on the work done by this committee. She indicated some major concerns are that family members are not educated with how the system works and what their roles are. Bobbie also mentioned the development of a document (Family Resource Guide) to provide information to family members on where to get information about the system, their responsibilities, and the impact of the sexual offense on the family.

**Juvenile Standards Revisions Committee:** Carl Blake explained that all sections have been revised and that this committee will be reviewing and finalizing the revisions crosswalks, update research footnotes, and will be generally focused on the Adult Standards for any impacts to the Juvenile Standards. He noted that this committee convenes on the 4<sup>th</sup> Monday of each month.

**Continuity of Care Committee:** Carl Blake indicated that this committee has accomplished creating court filing documents regarding juvenile registration and adult community treatment completion, community safety plans, provider change documents, developed an intake assessment form, and drafted a new section in the Adult and Juvenile Standards named Continuity of Care/Information Sharing. He indicated that this committee is currently not meeting but can be reconvened if the need arises.

**Application Review Committee (ARC):** Carl Blake indicated that this committee continues to review new treatment provider applications, re-applications, and complaints against the providers. He indicated that the ARC is looking at the competency-based model and any necessary modifications to this system, and the credentialing procedure/process for associate level providers becoming full operating level providers.

**Best Practices Committee:** Tom Leverage noted that this committee focused on the use of polygraph with juveniles and adults and the use in the DOC, and made revision recommendations. Another function of the committee is to make recommendations to include individualized the use of polygraph to the Adult Standards Revisions Committee. Chris Lobanov-Rostovsky noted that these recommendations can be found in the 2017 Legislative Report. Tom mentioned that as of August 2016, the committee is now comprised of 80% treatment providers as required by the Legislative mandate. Finally, he indicated that the committee was tasked with creating a data collection plan per the Legislative mandate.

**Circles of Support and Accountability Advisory Committee (COSA):** – Chris Lobanov-Rostovsky noted that there has been an SOMB sponsored COSA steering committee for a number of years. He indicated that Diana Lawyer-Brook is no longer the Executive Director of Colorado COSA and mentioned that this steering committee will continue to support Colorado COSA as needed.

**Sex Offender Registration Legislative Workgroup:** Jeff Shay and Chris Lobanov-Rostovsky indicated that this committee is made up of law enforcement officers who manage sex offender registry. Chris mentioned that the officers have asked for more risk-based offender information and that the committee has helped with this recommendation. He also noted critical issues with registry that have arisen with those offenders that are incapacitated and that law enforcement is looking for direction and guidance from the Legislature for these individuals.

**Victim Advocacy Committee:** Allison Boyd mentioned that this committee has written a new section for the Adult Standards named Victim Impact and Victim Centered Approach. She also noted that the committee revised Victim Responsibilities on CST's/MDT's, revised the Resources for Victim Representation document, gave presentations to the SOMB regarding victim impact and representation, and in the future will be working with 5.000 Adult Standards Committee to give input on Section 5.700 (contact with children, clarification, reunification). Allison announced a pilot project in the 1<sup>st</sup> Judicial district with the Blue Bench (grant funded) which will have a victim representative imbedded in probation supervision and that the position posting deadline is the beginning of February.

**Section 2.000/3.000 Adult Standards Revisions Committee:** Missy Gursky indicated that the entire 3.000 section is in the process of being re-written which stresses more individualized sex offender treatment throughout. She noted the Introduction is complete, and the Committee is working on denial, what offense specific treatment includes, and the maintenance phase of treatment. Missy mentioned that this committee meets on the 1st Thursday of each month.

**Section 5.000 Adult Standards Revisions Committee:** Angel Weant mentioned that this committee is re-writing Section 5.000 as indicated by Legislative Mandate to incorporate risk-needs-responsivity. She also indicated the incorporation of the TEAMS model and the roles of the team members in this section. Angel noted some of the areas that have been revised or will be revised such as the responsibilities of the supervising officer, incorporation of balance with community safety, the collaboration with the Section 3.000 committee regarding the responsibilities of the treatment provider, the collaboration with the Section 6.000 committee and the responsibilities of the polygraph examiner, adding in the responsibilities of the victim representative on the team, looking at the role of the family members, and continued work on the behavioral monitoring section which is now named Managing Behavioral Change. She indicated one of the largest undertakings will be incorporating the use and guidance to teams of how to use the polygraph. Angel

mentioned that the committee discussed the Low Risk Protocol (LRP) and whether it should still be included in the Standards, and the goal is to start Section 5.700 in March/April. She noted that this committee meets the 3<sup>rd</sup> Thursday of the month.

**Section 6.000 Adult Standards Revisions Committee (Polygraph):** Jeff Jenks mentioned this committee is working on the efficacy in the use of polygraph in treatment programs and that there is much work to be done. Jeff indicated that this committee meets on the 4<sup>th</sup> Friday of the month at 700 Kipling Street.

**Training Committee:** Merve Davies mentioned that the DVOMB and SOMB committees are now combined. He outlined the 2017 training calendar and noted that there will be a number of national speakers due to the combining of resources. He noted that they are already focusing on 2018.

**STRATEGIC ACTION PLAN UPDATE (Action Item) – Kelli Reynolds and Chris Lobanov-Rostovsky** (Handout Provided)  
Chris Lobanov-Rostovsky framed the status of the SOMB Strategic Action Plan goals and recommendations as indicated from the external evaluation of the Standards as well as the focus groups conducted by the SOMB, and what has been done on these goals. He noted the Legislative Report will be out next week and that there is an upcoming Joint Judiciary committee presentation on the Legislative Report.

Kelli Reynolds directed all present to review the list of action items and the status of these items, and noted that many of these items have been completed or are in progress.

Chris Lobanov-Rostovsky noted that some goals were addressed differently than what was recommended.

Kelli Reynolds mentioned there is a timeline with anticipated completion dates for all items in progress.

Chris Lobanov-Rostovsky noted that the committees want to complete the action items in a timely manner and with quality at their core. He indicated that the Legislature is anxious for the changes to be made and to see results, and noted that there is much more work to do.

**SOMB Meeting Adjourned: 2:16**

**Session Name**

New Session 1-20-2017 12-12 PM

**Date Created**

1/20/2017 8:49:16 AM

**Active Participants**

19

**Total Participants**

24

**Average Score**

0.00%

**Questions**

2

**Results Detail**

Last Name	First Name	Q1	Q2	Total Points	Score
<b>Answer Key</b>		-	-	0.00	-
Aguilar-Dave	Norma	1	2	0.00	-
Akins	Brie	3	1	0.00	-
Baydarian	Mary	3	2	0.00	-
Bednarski	Rick	1	2	0.00	-
Blake	Carl	1	1	0.00	-
Boyd	Allison	3	1	0.00	-
Curtis	Jessica	1	1	0.00	-
Davies	Merve	1	1	0.00	-
Elger	Korey	1	1	0.00	-
Gursky	Missy	1	2	0.00	-
Jenks	Jeff	1	1	0.00	-
Leversee	Tom	1	2	0.00	-
May	Rick	1	1	0.00	-
Meza	Jessica	1	2	0.00	-
Moore	Kandy	1	1	0.00	-
Odenheimer	John	1	1	0.00	-
Shay	Jeff	1	-	0.00	-
Weant	Angel	1	1	0.00	-
Woodson III	Lenny	1	2	0.00	-
<b>Participant List Averages</b>		-	-	0.00	-



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New Session 1-20-2017 12-12 PM

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1/20/2017 8:49:16 AM

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**Average Score**

0.00%

**Questions**

2

**Results by Question****1. Motion to Approve the December Minutes (Multiple Choice)**

Responses		
	Percent	Count
Yes	84.21%	16
No	0.00%	0
Abstain	15.79%	3
<b>Totals</b>	<b>100%</b>	<b>19</b>

**2. Motion to approve Section 6.0 draft as amended (Multiple Choice)**

Responses		
	Percent	Count
Yes	61.11%	11
No	38.89%	7
Abstain	0.00%	0
<b>Totals</b>	<b>100%</b>	<b>18</b>

