

SEX OFFENDER MANAGEMENT BOARD (SOMB) MINUTES

Friday, March 17, 2017

SOMB Members

Alli Watt
Amy Fitch
Angel Weant
Brie Franklin
Carl Blake
Jeff Jenks
Jeff Shay
Jessica Curtis
Jessica Meza
Kandy Moore
Kim English
Korey Elger
Leonard Woodson III
Marcello Kopcow
Mary Baydarian
Missy Gursky
Norma Aguilar-Dave
Rick May
Tom Leversee

Visitors

Carolyn Turner	Rick Ostring
Cathy Rodriguez	Susan Walker
Christine Rinke	Taylor Ivy
Dr. Brandon Mathews	Tom Nelson
Dale Jenkins	Valerie Estrada
Daniel McDonald	Walter Vanni
Dena McClung	Yvette Guthrie
Emily Hills	
Eric Ross	
Gabby Reed	
Gary Reser	
Ingrid Barrier	
Jean Powers	
Jeffrey M. Jorden	
John Fischer	
Laurie Kepros	
Lindsay Sova	
Mattson Smith	
Nicole Leon	
Pat Harris	

Absent SOMB Members: Allison Boyd, Merve Davies, John Odenheimer, Richard Bednarski

Staff:

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

SOMB Meeting Begins: 9:00

INTRODUCTIONS:

Introductions were made by all members and visitors present.

FUTURE AGENDA ITEMS:

Jessica Meza suggested a future discussion regarding risk assessment for human trafficking offender population as there are no risk assessments available. Chris Lobanov-Rostovsky responded that this issue has been brought to the Sex Offender Management Board's (SOMB) attention and noted there will be a panel of individuals to discuss this issue at the May SOMB meeting.

Announcements:

Carl Blake noted that the Application Review Committee (ARC) has reviewed the competency based model and noted the provider application process will be revised to include additional information from providers which will give ARC assistance in the approval process.

Carl Blake mentioned that there will be new copies of the Adult and Juvenile Standards published shortly. He indicated that the order of the Sections 1 through 5 will remain the same for both documents and that like sections will be grouped together for consistency.

Carl Blake indicated that there was no relevant public comment on the discussion point to the crosswalks in the Juvenile Standards from last month's meeting. He noted the SOMB will ratify this language today.

Carl Blake also discussed public comment received regarding allegations made against the SOMB and the Juvenile Standards without accurate background information and he noted that sections were taken out of context. The comments alleged that the Juvenile Standards are inconsistent with the Colorado State Statute mandating a more individualized treatment approach. Carl responded to these allegations by reading the applicable section in the Juvenile Standards and noted that they are in line with this mandate. He also responded to the lack of definitions comment and indicated that the SOMB had previously discussed those, and from a provider point of view, did not feel those items needed to be defined. Carl went on to respond to the questions regarding the ATSA guidelines related to plethysmograph and noted that the SOMB had already discussed and voted on those, so there was no need to address this further. He mentioned the question regarding revising Appendix D and responded that the SOMB has already decided to remove this appendix, hence the subsequent discussion point in Section 3.130 A-10.

Michelle Geng noted that Appendix A regarding risk assessment in the 2011 version of the Adult Standards has been removed as the content is no longer applicable. She also indicated that Appendix B-1 has been replaced with the most current ATSA language and has been renamed "Phallometric Assessments".

Raechel Alderete reminded SOMB members that they receive free registration to the annual SOMB conference and any training that the SOMB sponsors. She stressed the importance of the trainings, encouraged all to attend these trainings, and asked them to share this information with their stakeholders. Raechel announced that Robert Emerick will be conducting training on self-help on Tuesday, March 21st and invited the SOMB members to attend. She also noted other trainings that are available which include booster trainings, "Working with Individuals with Intellectual Disabilities" training scheduled for April 12th and, "Trauma Informed Care" training with Dr. Jill Levenson scheduled for May 18th.

Raechel also mentioned that the proposals for the 2017 SOMB Conference have been selected, and noted that registration will be open in Mid-April.

Marina indicated that the April 21st SOMB meeting will be in Colorado Springs at the Cottonwood Center for the Arts. Marina mentioned that if hotel accommodations for SOMB members are needed to please email her, and she will assist in making the reservation.

Chris Lobanov-Rostovsky noted that April is Sexual Assault Awareness Month and Child Abuse Awareness month and mentioned that these events will be acknowledged at next month's SOMB meeting. Chris asked the SOMB members to please extend their introductions at next month's SOMB meeting to include their contact with victims or how victims impact your work.

Brie Franklin announced that Tuesday, April 4th is the annual kickoff at the Capitol for Sexual Assault Awareness month and April 26th being Colorado Denim Day which supports survivors of sexual assault.

Korey Elger announced that April is also National Child Abuse Prevention Month with the kickoff on April 4th at the Capitol and also a "Females for Prevention" program on Sunday, April 23rd at the Rockies game.

Judge Kopcow referenced the SOMB Bylaws and Roberts Rules of Order to clarify the issue of conflict of interest on the SOMB given recent concerns raised by stakeholders regarding this issue.

Audience Comments:

Laurie Kepros also noted that the week of March 13th was National Public Defense week and mentioned that the Public Defenders' Office has handled over 200,000 cases last year.

APPROVAL OF FEBRUARY MINUTES:

Motion to approve the February Minutes: Jeff Shay; Kandy Moore 2nd (Question #1)

16	Approve	0	Oppose	0	Abstain	Motion Passes
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There were no objections to the Agenda order.

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

Lenny Woodson reviewed the Lifetime Supervision Criteria suggested revisions from the feedback received.

Board Comments:

Chris Lobanov-Rostovsky indicated that these are specific things that will enhance the Colorado Department of Corrections (DOC) treatment program and that this is only a small portion of the entire section. He mentioned that the plan is to work on the small sections first and then work on the section as a whole in the future. Lenny responded in agreement and noted that different departments of CDOC will continue their review and make suggested revisions as deemed appropriate.

Jessica Meza asked how individuals dealing with immigration issues are handled. Lenny responded that there are processes in place to handle the various situations caused from immigration.

Audience Comments:

Susan Walker asked if there is a requirement for “disclosure” for low risk population. Lenny responded that there is no requirement to disclose outside the program.

John Fischer asked what happens to those offenders that are waiting for sex offense specific treatment in Section 1A. Lenny Woodson responded that there are programs available to those currently in treatment and offered to speak with John after this meeting regarding available programs.

Laurie Kepros asked if the two formats will correlate to the track 1 and/or track 2 curricula. Lenny Woodson responded that yes, these do correspond to the track 1 and track 2 programs. Laurie questioned if the Parole Board does not necessarily release an inmate when they meet release criteria, and also asked if there are other criteria that the Parole Board is using that hinders parole. Dr. Brandon Matthews responded that the Parole Board has met with the DOC regarding the program behind the adjustments and they were in favor of these changes. He also noted the Parole Board and the DOC are aware of other sections that are outdated, specifically the release from prison to parole section and the reduction in level supervision in discharge. Dr. Matthews noted that the Parole Board is very supportive of the collaborative work with the DOC in implementing the risk-needs-responsivity changes that will be forthcoming.

Christine Rinke asked for clarification regarding not having a support person for the low risk track. She also questioned why the introduction paragraph that looks at a person as a whole and includes dynamic factors, but does not include static factors. Lenny Woodson responded that these dynamic factors are only some examples that will affect risk and treatment direction. There was continued discussion regarding low risk and release without a support person. Lenny noted that based on research, static factors, and low risk, an individual can progress into the community without a support person.

Susan Walker indicated that people that are released without a support person can find available support through the Coalition for Sexual Offense Restoration (CSOR), Advocates for Change (AFC), and different organizations throughout Colorado. She also noted that these organizations are available to help inmates transition into the community.

Lenny Woodson suggested that based on the feedback received, the wording “and static factors” will be added to 7A and 7B of the Lifetime Supervision document.

Motion to approve the Lifetime supervision Criteria with revisions: Kim English; Jeff Shay 2nd **(Question #2)**

16	Approve	0	Oppose	0	Abstain	Motion Passes
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The agenda order was changed due to timing and approved by SOMB consensus.

REQUIREMENT TO BE APPROVED FULL OPERATING LEVEL TREATMENT PROVIDER – (Action Item) Application Review Committee – Carl Blake

Carl Blake framed the Full Operating Level Provider options and indicated the suggested changes for SOMB review. He noted the need to create a pathway that removes the underlying criteria of licensure to Full Operating Level when a provider would already meet the other criteria, and give them the option to pursue licensure at a later date. Carl mentioned that for Evaluators there was concern that removing the unique licensure requirement would allow some individuals to practice who are lacking in a broader scope of assessments. He mentioned that due to this concern, the language includes that an Evaluator moving up to Full Operating Level must be in good standing with the Department of Regulatory Agencies (DORA) for 10 years and have training specific to more general mental health assessment. Carl indicated that for Polygraph Examiners to move to Full Operating Level, the new criteria would be that they must practice for 10 years at an Associate Level with a minimum education requirement. He noted that in Colorado, an advanced degree does not necessarily qualify for licensure, and that training and education are still a requirement for Full Operating Level approvals. Carl mentioned that the Supervisor Level licensure requirements will remain the same.

Board Comments:

Tom Leversee reiterated that the new full operating level requirements are for those providers that have been supervised by an approved ARC/SOMB Full Operating Level Supervisor for the past 10 years.

Judge Kopcow asked if this will help DOC in their hiring practices. Carl Blake responded that it might change some of the job classes and could therefore help with those situations. Judge Kopcow asked regarding the retention of evaluators and treatment providers if

this will enhance the field in finding these in rural areas. Carl responded that this will aid those coming into and remaining in the field. He also mentioned that the SOMB has grandfathered Full Operating Treatment providers that only have a Bachelor's degree.

Judge Kopcow asked Carl Blake what is asked of the SOMB today. Carl responded his intent is to consider suggestions or revisions from the SOMB, and if they feel this is the proper direction.

Chris Lobanov-Rostovsky mentioned that if the SOMB is in support of this document, to take it back to stakeholders for feedback, and noted this could be a decision item at next month's SOMB meeting.

Audience Comments:

Susan Walker presented a case regarding the provider credentialing and had some concern about licensure. Judge Kopcow noted this discussion should be talked about offline. Carl Blake responded that the Standards indicate only the minimum qualifications required, and noted that individuals may have other degrees.

Dale Jenkins compiled and handed out a spreadsheet in response to the proposed language. She reviewed the various data included in this handout regarding statistics about available providers regarding the point that treatment providers could be approved by the SOMB without lessening the licensing requirement.

Dena McClung asked the SOMB to clarify the Polygraph Examiner proposed education criteria requirement revision. Jeff Jenks responded that this language was created to grandfather those working in the field for at least 10 years without a Bachelor's degree and noted that most schools require a Bachelor's degree for these programs.

Gary Reser pointed out that there is no recognition for those providers with Master's versus Bachelor's degrees and asked what the rationale was behind this. Carl Blake responded that it made sense to create a standard to fit everyone with a more streamlined process. He noted there are different levels of Master's degrees and that the decision came down to competency and experience versus the types of degrees.

Carl Blake responded to Dale Jenkins handout and indicated that this is not accurate data. He noted that his name is on this list more than once, so the percentages are skewed. Carl reiterated that every provider listing with the SOMB is DORA approved, and mentioned that there are many different reasons for why people do not want to be SOMB approved. He also replied that the new criteria should open the door for more providers to apply.

Amy Fitch agreed that these changes make the process more appealing.

Judge Kopcow addressed the SOMB to take these proposed revisions back to their stakeholders and bring back at next month's SOMB meeting for approval.

BREAK: 10:33 – 10:51

Chris Lobanov-Rostovsky announced Jeanne Smith's retirement from the Department of Criminal Justice (DCJ) at the end of March and introduced Joe Thome as the new director of the DCJ. Joe Thome thanked Chris and indicated that he is looking forward to working with the SOMB and all the boards at the DCJ.

SOMB STANDARDS REGARDING BURNS CASE – SIBLINGS (Action Item) – SOMB Executive Committee

Judge Kopcow introduced Ingrid Barrier, SOMB's legal counsel in order to understand legal counsels' suggestions regarding the Burns decision to allow sibling contact as the default.

Ingrid Barrier indicated that this is a SOMB policy issue and not a legal issue regarding the inclusion of sibling contact as the default position. She mentioned that she has not found any related case(s) that address contact with siblings, and noted that the parameters are not well defined. Ingrid assured the SOMB that there is no legal right or wrong on this issue and reiterated that safe supervision is paramount.

Board Comments:

Chris Lobanov-Rostovsky framed the Burns exception language in the Standards that states "no contact unless that contact is prohibited or restricted by the Judge." He indicated that the SOMB providers can safely practice in that scenario without being grieved. Chris also noted that if there is a concern regarding sibling safety, then to take these concerns back to the court for modification. He also indicated that this language is in the evaluation section of the Standards indicating what the risk factors are. Chris reminded the

SOMB that last month the suggested language revisions regarding contact with own child to mirror the judicial language was voted down. He went on to outline the purpose of the "sibling contact" policy, and asked the SOMB if they wanted to add similar language to the Standards that would "not allow sibling contact unless a judge or the court orders contact." Chris also indicated that the variance process will still be applicable, and noted three propositions for discussion and direction:

- Can vote to include "sibling contact allowed unless prohibition indicated by the courts";
- Can vote to leave the language as currently printed and use the variance process to vet out safety concerns;
- Can vote to include language that denies sibling contact and asks for a specific court order to allow contact.

Judge Kopcow reminded all that the standard terms and conditions of the SOMB are that "silence allows for contact with own child and sibling, unless the court finds compelling reasons to restrict contact."

Korey Elger asked if the term "sibling" has been defined, and noted the need to define this with specific parameters. Ingrid Barrier expressed her agreement with this suggestion.

Amy Fitch suggested middle ground language that stated "unless the court specifically orders contact with siblings, then contact is not permitted" which allows the defense to go back to court and petition for contact. She reiterated her concern and the need of a stop-gap measure to ensure safety, due to the reality of what is happening in the courtroom.

Magistrate Jessica Curtis expressed her concern of adopting standards that are in conflict with probation orders, and asked how this will affect treatment providers and possible conflict on the Team.

Rick May noted that the treatment provider should ask for clarification from the courts regarding contact before accepting a client referral. He also indicated that child safety is the first consideration in these cases.

Jessica Meza discussed the problematic situations where the youthful offender cannot find other housing due to economic reasons, age, etc. She also asked what the impact of no sibling contact is with Developmentally Disabled/Intellectually Disabled (DD/ID) individuals, and where they will live if not allowed to remain in the home. Jessica went on to ask how this factors into treatment and the Young Adult Protocol. Missy Gursky responded that providers should use the variance process to allow a DD/ID client to remain in the home if there are no other suitable living arrangements available.

Judge Kopcow responded and stated that if there is a court order to allow contact with sibling, the treatment provider cannot use the variance process to restrict contact, and noted that this needs to go through the court for modification. Missy replied that the treatment provider is not compelled to accept this client, and therefore would have an avenue to use the variance process to be able to treat the offender.

Kandy Moore expressed her concern that sibling contact right away is detrimental to the victims and to err on the side of victims.

Norma Aguilar-Dave indicated that as a treatment provider it does not make sense to have Standards in conflict with probation, and noted that there are ways to create safety in the family. She mentioned that treatment providers should come into court prepared to present factors that could indicate prohibition from sibling contact.

Carl Blake indicated the need to build a mechanism into the Standards that gives treatment providers a way to not accept a client into treatment, and noted that the treatment provider can accept the client into treatment if the client agrees to self-imposed contact restriction.

Judge Kopcow suggested that next month a decision will have to be made.

Chris Lobanov-Rostovsky again recapped the options on the table:

1. Include sibling contact with the Burns own child contact, or to use the variance process for treatment providers to vet out safety concerns (Missy Gursky);
 - a. Include language that indicates the need for a specific court order allowing contact (Amy Fitch);
2. Include language of a self-imposing contact restriction for a period of time (Carl Blake).

Judge Kopcow asked the Executive Committee to create these language options be sent to the SOMB members for review before the next SOMB meeting.

There was continued discussion regarding the language to be drafted for the next meeting.

Angel Weant responded to Carl Blake's self-imposing option and noted that will put Probation in conflict with the courts. She mentioned there is room for education in the courts around how Burns has affected the field.

Chris Lobanov-Rostovsky framed the decision needed today which indicated a "yes" would mean approval of including "sibling contact" in the current Burns exception language and a "no" would mean to not include sibling contact with the current Burns own child contact language in the Standards.

Korey Elger noted that whatever language is decided that there needs to be a clear definition of "sibling". Judge Kopcow asked Korey to send the Department of Human Services definition to be included in the SOMB language.

Jessica Meza made a motion to direct the Executive Committee to Create sibling contact language to be included in the Standards; Norma Aguilar-Date 2nd the motion.

Audience Comments:

Laurie Kepros noted that sibling contact could be a risk factor and that there are many variables in making the decision for contact. She suggested creating language that is a starting point that could change when probation conditions change, and indicated that the need for accounting for a more case specific risk evaluation, especially when a person is being sentenced.

Valerie Estrada expressed concern about the sibling contact language and noted that the risk factors are not always available at the time of the sentencing. She also indicated that risk will change once in treatment.

Motion to direct the Executive Committee to Draft Sibling Inclusion Language: Jessica Meza; Norma Aguilar-Dave 2nd
(Question #3)

8	Approve	9	Oppose	0	Abstain	Motion Fails
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The result was that the Executive Committee will draft alternative language that does not include the Burns contact exception language for next month's SOMB meeting.

LUNCH: 11:51 – 12:46

Michelle Geng announced a variance with Treatment and Evaluation Services (TES) and the Application Review Committee (ARC) is extending the variance for one more year.

LEGISLATIVE UPDATE (Presentation) – Gabby Reed, DCPS (Handout Provided)

Gabby Reed, the Department of Public Safety legislative representative gave an update on the legislative bills that directly affect the SOMB, specifically Senate Bill #SB17-087 (Determinate Sentence for Indeterminate Sex Offense) and Senate Bill #17-141 (Low-Risk Sex Offender Community Based Treatment) which have been postponed indefinitely.

She also indicated that there are rumors of a bill to ban the use of polygraph in sex offender treatment and noted that this has not been introduced yet.

Board Comments:

Jeff Jenks asked Gabby Reed if she knows if and when the polygraph bill will be introduced. Gabby responded that this has gone out for fiscal analysis but that it is unknown when it will be introduced.

LOW RISK PROTOCOL (Action Item) – Angel Weant and Missy Gursky (Handout Provided)

Missy Gursky framed the Low Risk Protocol (LRP) which is included in Sections 2.000, 3.000, and 5.000. Per the 3.000 and 5.000 Adult Standards Revisions Committee's request, she mentioned that this protocol should be removed from the Standards as it is not research based, and does not meet the individualized risk and needs criteria as ordered by legislative mandate.

Angel Weant recapped the tenets of the LRP. She noted the protocol is confusing and does not give much direction for treatment providers and what the next steps would be in the treatment plan. Angel indicated that she and the Committees are not opposed to including language to clarify assessment of low risk, medium risk, and high risk. She indicated that probation officers and treatment providers already have the authority to handle what the protocol represents.

Board Comments:

Jessica Meza asked how the Standards would reference the risk-level criteria. Missy Gursky replied that individualized treatment language throughout the Standards following the risk-needs-responsivity model will meet the criteria of the Low Risk Protocol.

Tom Leversee encouraged the SOMB to keep the Standards moving towards individualized treatment, and noted that the LRP would not be necessary.

Missy Gursky commented that the Standards indicate that a client is in treatment as long as their probation sentence. Angel Weant noted that if a probation officer or the team feels the terms and conditions of probation no longer fit the risk level of the client, then they can go back to court for modification of these terms and conditions.

Chris Lobanov-Rostovsky reminded all to keep in mind that the statute mandates there should be a way to assess "low risk", and noted that citing the Statute somewhere in the Standards will maintain the statutory connection.

Missy Gursky mentioned that the individualized treatment plan and risk assessment language is included in the Standards, and indicated that they have to be reviewed at certain intervals.

Audience Comments:

Susan Walker expressed her concern with the "non" risk-needs-responsivity treatment model for lifetime parolees, but is encouraged with the removal of the LRP. Judge Kopcow responded that the non-use of the risk-needs-responsivity model for lifetime parole is out of SOMB purview.

Board Comments:

Michelle Geng read Section 3.160 G which speaks of the flexibility of treatment intensity.

Judge Kopcow asked if the SOMB should make a motion to remove the LRP. Chris Lobanov-Rostovsky responded that the Committees were looking for direction only regarding the removal of the LRP.

There was SOMB consensus to remove the Low Risk Protocol from the appendix and the various sections of the Standards.

SOMB Meeting Adjourned: 1:07

Date Created
3/17/2017 8:43:18 AM

Active Participants
17

Total Participants
24

Average Score
0.00%

Questions
3

Results by Question

1. Motion to Approve the February Minutes (Multiple Choice)

	Responses	
	Percent	Count
Yes	100.00%	16
No	0.00%	0
Abstain	0.00%	0
Totals	100%	16

2. Motion to (Multiple Choice)

	Responses	
	Percent	Count
Yes	100.00%	16
No	0.00%	0
Abstain	0.00%	0
Totals	100%	16

3. Motion to direct the Exec Com to draft Standards incl. sibs in Burns language (Multiple Choice)

	Responses	
	Percent	Count
Yes	47.06%	8
No	52.94%	9
Abstain	0.00%	0
Totals	100%	17

Session Name

New Session 3-17-2017 10-00 AM

Date Created

3/17/2017 8:43:18 AM

Active Participants

17

Total Participants

24

Average Score

0.00%

Questions

3

Results Detail

Last Name	First Name	Q1	Q2	Q3	Total Points
Answer Key		-	-	-	0.00
Aguilar-Dave	Norma	1	1	1	0.00
Akins	Brie	1	1	2	0.00
Blake	Carl	1	1	2	0.00
Curtis	Jessica	1	1	1	0.00
Elger	Korey	1	1	1	0.00
English	Kim	1	1	2	0.00
Fitch	Amy	-	-	2	0.00
Gursky	Missy	1	1	2	0.00
Jenks	Jeff	1	1	2	0.00
Leversee	Tom	1	1	1	0.00
May	Rick	1	1	2	0.00
Meza	Jessica	1	1	1	0.00
Moore	Kandy	1	1	2	0.00
Shay	Jeff	1	1	1	0.00
Watt	Alli	1	1	2	0.00
Weant	Angel	1	1	1	0.00
Woodson III	Lenny	1	1	1	0.00
Participant List Averages		-	-	-	0.00