SEX OFFENDER MANAGEMENT BOARD (SOMB) MINUTES

Friday, October 15, 2021

THIS MEETING WAS HELD VIA AUDIO/VIDEO CONFERENCING ONLY

SOMB Members SOMB Guests

Allison Boyd Carl Blake Christina Ortiz-Marquez Glenn Knipscheer **Gregg Kildow** Jeff Shay Jesse Hansen Jessica Dotter Joshua Nowak Kathy Heffron Katie Abeyta Kim Kline Lisa Mayer Michelle Simmons Norma Aguilar-Dave Sharon Holbrook Steve Moreno **Taber Powers**

Adeline Damron Laurie Kepros **Alison Talley** Lindsay Klatt Amanda Retting Margaret Ochoa Amira Minazzi Marsha Brewer Andrea Martinez Matthew Smith **Angel Weant** Nancy Volle Beth Baldwin Pat Harris Caroleena Frane Rick Anglund Casey Ballinger **Rick Ostring** Christine Tyles Samantha Novotne

Dana Wilks Sara Phelps
Delia Garcia Savannah Rankin

Denise Metz
Jalice Vigil
Jason Talley
Jenna Harper
Jess McNrayer
Jessie Glasscock
Stephanie Fritts
Stephen Scippio
Susan Walker
Tami Floyd
Wellesley Bush

Kris Gibson

Absent SOMB Members: Rick May and Robin Singer

Staff: Chris Lobanov-Rostovsky, Marina Borysov, Erin Austin, Raechel Alderete, Yuanting Zhang, and Jill Trowbridge

SOMB Meeting Begins: 9:06 am

This meeting was recorded.

Theresa Weiss

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ORIENTATION TO THE MEETING:

Kim Kline (SOMB Chair) introduced herself, and welcomed the SOMB members in attendance along with the members of the public.

Chris Lobanov-Rostovsky (SOMB Staff) introduced himself, and explained the protocol when using the Owl cameras. He welcomed all in attendance.

Marina Borysov (SOMB Staff) introduced herself, reviewed the various aspects of this WebEx hybrid meeting, and indicated how the meeting will be conducted. She noted she will be the contact for technical support, and mentioned that she will monitor any questions or comments in the chat and in the question and answer functions.

INTRODUCTIONS/ATTENDANCE:

Kim Kline (SOMB Chair) asked each SOMB member who was attending in-person to introduce themselves.

Chris Lobanov-Rostovsky (SOMB Staff) introduced the virtual SOMB members in attendance.

The SOMB Staff introduced themselves.

The in-person guests introduced themselves.

Erin Austin (SOMB Staff) introduced the guests attending virtually.

Kim Kline (SOMB Chair) reviewed the details as to how the meeting will run.

FUTURE AGENDA ITEMS:

Board Members:

Taber Powers (SOMB Member) asked (regarding C.R.S.18-1-1-1) for future SOMB discussion regarding Diversion and Pre-Plea evaluations. He also mentioned a new risk calculator matrix that was presented at the Association for the Treatment of Sexual Abusers (ATSA) Conference to be used for those individuals with new non-sex offenses who have historical sex offenses. Chris Lobanov-Rostovsky (SOMB Staff) clarified that this will be a good tool to review and analyze. He noted that the Static 99 can be used in conjunction with this new matrix to get a better picture of recidivism risk.

Marina Borysov (SOMB Staff) reminded everyone to speak loudly so all can hear.

Audience:

Laurie Kepros (Audience Member) asked for future discussion regarding what causes people to sexually offend in cases where their mother or step-mother were physically or sexually abused. She indicated she would like to see any research regarding these situations, and asked if there is a link to future domestic or sexual violence due to this type of trauma.

Risk Ostring (Audience Member) asked for future discussion regarding sex offender housing shortages which cause offenders to stay incarcerated longer. He also asked for the creation of a committee to work with landlords to make housing available for this population.

ANNOUNCEMENTS:

Staff:

Raechel Alderete (SOMB Staff) announced that the Adult Representative on the Best Practices Committee has been filled by Kyle Jones from the Department of Corrections (DOC.) She indicated that his specialty is working with female clients, and noted that he will attend the November meeting. Raechel Alderete indicated that the October Best Practices Committee meeting has been cancelled.

Erin Austin (SOMB Staff) noted some of the changes made to the competency assessment for clinical supervisors and providers which includes additional clarification.

Marina Borysov (SOMB Staff) announced that there will be a Team Resilience in the Workplace virtual training on November 5th. She noted that this training is for domestic violence and sex offender treatment providers, evaluators, polygraph examiners, and for Community Supervision Teams (CSTs) and Multi-disciplinary Teams (MDTs). Marina Borysov indicated that the cost is \$10, and mentioned that there is no cost for SOMB members who wish to attend this training.

Chris Lobanov-Rostovsky (SOMB Staff) reviewed that a request has been made with the Office of Information Technology (OIT) to work toward a totally online application system for providers. He indicated that the Domestic Violence Offender Management Board (DVOMB) was able to incorporate this system into their process, so OIT is using their template, which should help with implementation of this. Chris Lobanov-Rostovsky mentioned that he will reach out to the Sex Offender Surcharge Allocation Committee to use some of the excess funds to help offset the cost of this project. He noted that this project will take nine months to one year to complete, and mentioned that the SOMB may ask providers to test this new system.

Caroleena Frane (DVOMB Staff) surprised Jesse Hansen (DVOMB Staff) with a wonderful Bosses Day announcement. She gave him very high praise in his leadership skills and working relationship with the staff!

Erin Austin (SOMB Staff) also wished Chris Lobanov-Rostovsky (SOMB Staff) a wonderful Bosses Day, and praised him for his dedication and commitment to the Board, the Staff, and his compassionate heart!

Board Announcements:

None

Audience Announcements:

Marsha Brewer (Audience Member – Advocates for Change) thanked Susan Walker and Pat Harris for their leadership roles working with their respective non-profit organizations.

Laurie Kepros (Audience member) announced that the new matrix, the Static 99, and related Static 99R tools can be found on a new website (SAARNA.org). She indicated that the matrix tool along with other tools are free on this website.

Laurie Kepros (Audience) reminded all that this is the last day of Hispanic Heritage Month, and noted that Dr. Alex Rodriguez will be speaking on risk assessment tools for various cultural, racial, and ethnic groups, at the Adult Standards Revisions Committee meeting next Thursday, October 21st from 9 to 11am.

Rick Ostring (Audience Member) thanked Chris Lobanov-Rostovsky (SOMB Staff) and noted that he recently completed treatment. He indicated that Chris Lobanov-Rostovsky was instrumental in giving guidance to his treatment providers to help him to successfully complete.

APPROVAL OF September MINUTES (Decision Item) - (Attachment #1)

Carl Blake (SOMB Member) moved to approve the August Minutes as presented. Jeff Shay (SOMB Member) 2nd the motion.

Kim Kline (SOMB Chair) reminded the audience to not participate in the vote, and asked the SOMB members to click "submit" to ensure their vote is recorded.

Motion to approve the September Minutes as presented: Carl Blake; Jeff Shay 2nd (Question #1)

18 Approve 0 Oppose 1 Abstain Motion Passes

Norma Aguilar-Dave did not vote

APPROVAL OF AGENDA:

The Agenda was then approved by consensus.

<u>DOMESTIC VIOLENCE AWARENESS MONTH SURVIVOR'S STORY (Presentation)</u>— (No Attachment) — Andrea Martinez; and Jesse Hansen, SOMB Member

Jesse Hansen (SOMB Member) presented information regarding the creation of Domestic Violence Awareness Month, indicated that this presentation will be a two-part presentation, and noted that some of the aspects of this presentation may be difficult to hear. He introduced Andrea Martinez who is a survivor of domestic violence. A link to a video that touches on both domestic violence and sexual abuse was uploaded in the chat. Andrea Martinez (Presenter) described the aspects of the domestic violent relationship with her partner, and the emotional and physical trauma she endured. She indicated that she continues to deal with trauma as a result of this relationship.

Board Discussion:

Chris Lobanov-Rostovsky (SOMB Staff) asked for Andrea Martinez' comments regarding her experience with the Criminal Justice system. Andrea Martinez noted that she wished she knew more about her partner's violent background. She indicated that she wished the Judicial System would have taken his history into account when giving him parental custody of their children due to the trauma that they saw and heard as a result of his abuse.

Erin Austin (SOMB Staff) asked about Andrea Martinez' experience in New Mexico. Andrea Martinez noted that she let her pastor and associate pastor know what was going on regarding the abusive relationship. She indicated that the pastors did not support her decision to leave him, and encouraged her to stay with him and reconcile. Andrea Martinez mentioned that she questioned her faith and did not trust her pastors after that.

Raechel Alderete (SOMB Staff) expressed admiration of Andrea Martinez' courage to survive.

Jessica Dotter (SOMB member) noted that it is an honor to help her through the healing process, and encouraged her to continue to survive. Jessica Dotter asked what the State can do better to help support those who have gone through these experiences. Andrea Martinez responded that the survivors need to know that they do not deserve the abuse they are going through, and indicated that the State should encourage them and let the victims know that they matter.

Marina Borysov (SOMB Member) read a number of comments from the chat.

Allison Boyd (SOMB Member) thanked Andrea Martinez for sharing her story, and noted that this Board really appreciates it! She asked Andrea Martinez if she had an attorney in the civil divorce case, and if she had to pay for his services or were they pro bono. Andrea Martinez responded that she did have any attorney, and that she

had to pay for his services. Allison Boyd then asked if her partner was charged with sexual assault. Andrea Martinez responded that he was charged with physical assault, as she did not involve the police very often.

Andrea Martinez (Presenter) discussed the effects of strangulation and TBI (traumatic brain injury, short-term memory loss). She noted strangulation has a lasting effect not only on the victim, but on the children of victims. Andrea Martinez indicated that her daughter is prone to "pseudo seizures" as a result of the trauma she witnessed and experienced.

Jesse Hansen presented Andrea Martinez with a beautiful bouquet of flowers on behalf of the Domestic Violence Offender Management Board and the Sex Offender Management Board. She thanked Jesse Hansen, and she also noted that Jalice Vigil has been a great friend and support.

Audience Discussion:

None

BREAK: 10:30 - 10:45

<u>LEGISLATIVE UPDATE (Presentation)</u> – (No Attachment) – Chris Lobanov-Rostovsky, DCJ, on behalf of Joel Malecka, CDPS

Chris Lobanov-Rostovsky (SOMB Staff) expressed regret on behalf of Joel Malecka (the Division of Criminal Justice Legislative Liaison) that he could not attend this meeting. Chris Lobanov-Rostovsky shared the following information on behalf of Joel Malecka regarding the Sunset bill process:

- 2019 Sunset Review Process (through the Department of Regulatory Agencies DORA) that determines if a board or commission continues, and if to continue, if changes should be made.
- The recommendation was to continue for 7 years, with the following recommendations:
 - The Board should have oversight of supervision officers (Probation and/or Parole officers)
 - o Eliminate the limitation of choice of treatment provider to include more than 2 choices
- These would have been presented to the Legislature in 2020, but due to COVID, the Legislature pushed out the Sunset Bill with recommendations. The Legislature passed a "clean extension" from 2020 to 2021, which did not include the previous recommendations.
- In 2021, the Sunset presentation was given to the Legislature, which included public testimony.
- The Legislature indicated the need to include additional specific recommendations to the Sunset Bill.
- Representatives Tipper and Benevidez tried to create a bill based on stakeholder feedback, and a revised bill was passed at the Committee level. Since there had not been sufficient time to vet this bill completely, the Governor's Office and leadership pulled the bill, and passed another clean extension until 2023.

Chris Lobanov-Rostovsky (SOMB Staff) indicated that Joel Malecka's understanding is that this bill will be brought up in the 2023 Legislative sessions. Some of the items on the Legislative radar are:

- The Sexually Violent Predator (SVP) designation will most likely be changed along with a new risk assessment designation. Chris Lobanov-Rostovsky noted that the SOMB has already done some work on those items.
- More DOC oversight so that there is treatment available for all those who have been waiting for years. (Some of this may be under the purview of the SOMB and some of this may not.)
- Oversight or supervision with Probation, and what authority the SOMB should have.
- Contact with children, denial, and the use of polygraph

Chris Lobanov-Rostovsky (SOMB Staff) noted that it did not appear that the SOMB would be disbanded.

Chris Lobanov-Rostovsky (SOMB Staff) read a statement from Joel Malecka who expressed appreciation for the support of the SOMB, Chris Lobanov-Rostovsky, and the DCJ staff.

Chris Lobanov-Rostovsky (SOMB Staff) thanked Joel Malecka for his tireless work with the Legislature. He noted that Joel Malecka will be available to help the SOMB to work through all of these possible upcoming changes.

Chris Lobanov-Rostovsky indicated that some of these items can be addressed ahead of time and that the SOMB could consider being proactive. He asked the SOMB to give feedback for the following:

- Are there are additional stakeholders who are not currently engaged that need to be?
- What areas should be discussed further or are under the purview of the SOMB?

Board Discussion:

Carl Blake (SOMB Member) responded that he is in favor of addressing these questions at the SOMB level and not just at the Legislative hearings. He also noted that many of the issues revolve around the adult populations only without consideration for the juvenile populations. Carl Blake mentioned that the Department of Human Services (DHS) has proposed reducing the current three SOMB positions down to one position, and noted that discussion of this change should be discussed at the Board level or a sub-committee rather than at the Legislative hearings. He suggested the following:

- The makeup of the SOMB should be a Board decision to identify what positions are going to be included on the SOMB.
- Polygraph Testing is a worthwhile discussion with the Board.
- Treatment provider choices (whether two options or unlimited) discussion should be with the Board.
- Regarding the oversight of the DOC He noted this is out of the purview of the SOMB.

Carl Blake (SOMB Member) indicated that the SOMB should address these items and be proactive with some good solid recommendations.

Jessica Dotter (SOMB Member) expressed hope for more Legislative amendments that include stakeholder input.

- She supports that the makeup of the Board needs to be addressed by the SOMB.
- She supports the issue of more provider options which should be addressed by the SOMB, and supports a change in provider only when treatment indicates a change is appropriate.
- She also supports the Legislative suggestion that discretion is given to prosecutors/judges of when to use the Sex Offense history Pre-Sentence Evaluations (PSEs) should be discussed at the SOMB level.

Kathy Heffron (SOMB Member) expressed the following points:

- She noted the need for SOMB discussion as to the makeup of the SOMB who is missing, and who is duplicated.
- Regarding the SVP Designation and the consequences She suggested SOMB education and discussion of this designation for a possible change.
- Regarding Polygraph use She supports continued SOMB discussion regarding polygraph use.
- Education & Prevention She asked if education/prevention is under the purview of the SOMB, and if so, she asked where these discussions should take place.
- Living Arrangements She asked if the SOMB is mandated to help with living arrangements. She asked who would be responsible to find housing. Carl Blake (SOMB Member) asked Kathy Heffron regarding living arrangements if she would clarify her question. Kim Kline (SOMB Chair) made note of this request to discuss at a later date, and asked that this be tabled due to the time.

Audience Discussion:

Marsha Brewer (AFC) indicated that the Standards reiterate community safety which would include housing. She noted the following:

- Lack of housing causes more setbacks for this population, which is not conducive to community safety.
- Polygraph testing is punitive.
- Treatment provider selection options are necessary due to the therapeutic relationship, which is important for successful treatment completion.
- SVP Designation She indicated that this designation needs to be discussed and revised.

Susan Walker (CSOR) indicated the following:

- The SVP designation needs to be changed.
- There is a lack of housing due to the SVP designation.
- She indicated that some treatment providers are not professional with the clients.

Chris Lobanov-Rostovsky (SOMB Staff) noted that if anyone would like to include any additional items or feedback, to please email him.

LUNCH: 11:54 - 12:30

<u>DOMESTIC VIOLENCE AWARENESS MONTH PROSECUTOR'S PERSPECTIVE ON ADDRESSING STRANGULATION CASES (Presentation)</u> – (No Attachment) – Stephanie Fritts, DVOMB Member, and Jesse Hansen, SOMB Member

Jesse Hansen (SOMB Member) framed the reason for this presentation, and he discussed the need for relationship violence prevention, especially for adolescents. He then introduced Stephanie Fritts, the Chair of the Domestic Violence Offender Management Board (DVOMB).

Jesse Hansen (SOMB Member) noted that a number of SOMB members worked on guidelines that address youth violence, those who are involved in the criminal justice system, and treatment for that population.

Stephanie Fritts (Presenter) gave a brief presentation on Strangulation and consequences for victims. Some of the highlights presented are as follows:

Strangulation vs. choking
Smothering
Why Strangulation is minimized
Power, Control, and Lethality
Escalation of Violence
Statistics
Assistance for victims of Strangulation (HB21-1165)
Strangulation and Sexual Assault
Anatomy of the Neck
No Visible Injury
Too Minor to Photograph
Injury Sufficient to Photograph
Infrared Photography
Signs vs. Symptoms of Strangulation
Symptoms – Form being used by law enforcement

- Hoarseness
- Loss of Voice

- Sore Throat
- Difficulty breathing
- Problems swallowing or speaking
- Trouble Focusing
- Dizziness

Spectrum of "Altered" Consciousness

Lethality

Signs (visible injuries)

Ligature Marks

Defensive Wounds

Strangulation/suffocation Form (C.R.S.18-3-203(1)(i)

Victim Interview

Assault in the 3rd Degree – 364 days in jail

Assault in the 2nd Degree – F4 Felony, 1-7 years in jail (intent to perform bodily injury)

Assault in the 1st Degree – F3 Felony, 8-24 years in jail (serious bodily injury)

Use of Experts at Trial

Enhancing Strangulation Cases

Ensure Victim Safety and Offender Accountability

Board Discussion:

Jesse Hansen (SOMB Member) asked what the data shows since the passing of the Strangulation bill. Stephanie Fritts (Presenter) responded that this information is often not available from Law Enforcement, and noted that a majority of the domestic violence cases are strangulation cases.

Glenn Knipscheer (SOMB Member) asked what the purpose of why the victim is asked if she defended herself. Stephanie Fritts (Presenter) responded so that if the offender is injured, those injuries can be explained. This is asked during the natural course of an interview.

Allison Boyd (SOMB Member) thanked Stephanie Fritts for this presentation, and commented, that due to COVID, there is an increase in mis-demeanor and felony domestic violence cases.

Stephanie Fritts (Presenter) noted that there has also been an increase in strangulation cases in 2020.

Audience Discussion:

Laurie Kepros (Audience member) asked what is being done to overturn wrongful arrests of survivors of domestic violence. Stephanie Fritts (Presenter) responded that there is ongoing training with law enforcement to educate and minimize these cases.

There was a request for Stephanie Fritts to share her information for future follow-up.

<u>PERSON-FIRST LANGUAGE RECOMMENDATION (Action Item)</u> – (Attachment #2) – Taber Powers, Adult Standards Revisions Committee Chair, and Erin Austin, DCJ

Erin Austin (SOMB Member) reviewed that the SOMB agreed to move forward with a change to person-first language. She also reviewed the process and steps used by the Victim Advocacy Committee, and the Adult Standards Revisions Committee, who came up with five terms along with their strengths and weaknesses as per the attachment. Erin Austin noted that more than one research study was done, and that there were hours and hours of discussion from all stakeholders in determining the final options.

Taber Powers (SOMB Member) noted that these choices will be a huge change to the Standards except where statutorily mandated. He reviewed that everyone should review these suggestions and take them back to their stakeholders for feedback.

Erin Austin (SOMB Staff) noted that some of the finer points discussed the use of present tense and past tense.

Board Discussion:

Carl Blake (SOMB Member) noted that Section 4 of the Adult Standards (Qualifications) would not include the new terminology.

Jeff Shay (SOMB Member) asked if the use of the word "convict(ed) of" in the language could be used. Chris Lobanov-Rostovsky (SOMB Staff) clarified that the Committee was not in support of using that language, and gave the rationale for that decision. Chris Lobanov-Rostovsky noted that there are ways to define "client" when used in various contexts. Erin Austin (SOMB Member) noted that the use of more than one term may be appropriate in different sections.

Audience Discussion:

Susan Walker (Audience Member) asked if there was one set of terminology that seemed to be preferred over the others. Taber Powers (SOMB Member) responded that the answer was no, and noted that these are the top five for the SOMB to make the final decision. He indicated that this will be discussed in more detail at a later SOMB meeting.

<u>ORIENTATION TO UPCOMING APPEALS (Presentation)</u> – (No Attachment) – Erin Austin, DCJ, and Raechel Alderete, DCJ

Raechel Alderete (SOMB Staff) informed all that there will be a couple of appeals coming in the near future and encouraged all to review the administrative policies, and the appeal process. She indicated that these appeal hearings will be held during a SOMB meeting, with time to review the details of the appeals prior to the hearings.

Raechel Alderete (SOMB Staff) asked all to review their Appeal Cheat sheets that helps with the process of the appeal. She indicated that there are numerous Application Review Committee (ARC) meetings and investigations done before the appeals are taken before the SOMB. Raechel Alderete noted that it is the full SOMB's responsibility to make the finding.

Raechel Alderete (SOMB Staff) encouraged all to review the appeal materials sent to them before the hearing, to determine if the SOMB agrees with the ARC findings, if the ARC did their due diligence, and if they followed the SOMB administrative policies.

Raechel Alderete (SOMB Staff) indicated that the chair of ARC is Dr. Carl Blake. She encouraged all to read and be informed of all the information being presented/appealed. She indicated that the appeal information will be made available to the SOMB via a Google drive.

Carl Blake (SOMB Member) noted that the ARC members will abstain from any appeal votes, and noted the need to ensure that there are the appropriate number of remaining board members present at the hearings to vote.

Chris Lobanov-Rostovsky (SOMB Staff) reviewed that the appellant, then the ARC, and the provider will each have their own time to speak and defend their case. There will also be a time for questions and answers from SOMB members. He noted that these hearings typically take about one hour.

Raechel Alderete (SOMB Staff) noted that these hearings are not scheduled yet, but indicated that they will begin within the next 2-3 months.

Board Discussion:

None

Audience Discussion:

None

Chris Lobanov-Rostovsky (SOMB Staff) indicated that the December SOMB meeting will most likely be a Board Appreciation meeting with a light agenda.

Adjourn: 1:48 pm

Respectfully,

Jill Trowbridge Date Kimberly Kline Date
Program Assistant Chair of the SOMB

SOMB Meeting (Oct SOMB Meeting (Oct	ctober 15, 2021 ctober 15, 2021 ctober 15, 2021	9:00 am Denv		Povd		Time	9:46 am)
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	ctober 15, 2021	9:00 am Denv	Jesse	Hansen	9:06 am De	1:48 pm D	Yes - In Person
SOMB Meeting (Oct	ctober 15, 2021	9:00 am Denv	Jessica	Dotter	9:06 am De	1:48 pm D	Yes - In Person
	ctober 15, 2021	9:00 am Denv	Joshua	Novak	9:06 am Do	1:48 pm D	Yes - In Person
SOMB Meeting (Oct	ctober 15, 2021	9:00 am Denv	Kathy	Heffron	9:06 am Do	1:48 pm D	Yes - In Person
SOMB Meeting (Oct	ctober 15, 2021	9:00 am Denv	Katie	Abeyta	9:06 am Do	1:48 pm D	Yes - In Person
SOMB Meeting (Oct	ctober 15, 2021	9:00 am Denv	Kimberly	Kline	9:06 am De	1:48 pm D	Yes - In Person
SOMB Meeting (Oct	ctober 15, 2021	9:00 am Denv	Lisa	Mayer	9:06 am Do	1:48 pm D	Yes - In Person
SOMB Meeting (Oct	ctober 15, 2021	9:00 am Denv	Michelle	Simmons	9:06 am Do	1:48 pm D	Yes - In Person
SOMB Meeting (Oct	ctober 15, 2021	9:00 am Denv	Norma	Aguilar-Dave	9:03 am Do	1:30 pm D	Abstain
SOMB Meeting (Oct	ctober 15, 2021	9:00 am Denv	Sharon	Holbrook	8:50 am Do	1:48 pm D	Yes
SOMB Meeting (Oct	ctober 15, 2021	9:00 am Denv	Steve	Moreno	8:51 am Do	11:28 am [Yes
SOMB Meeting (Oct	ctober 15, 2021	9:00 am Denv	Taber	Powers	9:06 am Do	1:48 pm D	Yes - In Person
SOMB Meeting (Oct	ctober 15, 2021	9:00 am Denv	Theresa	Weiss	9:06 am Do	1:48 pm D	Yes - In Person
							18 - Yes
							1 - Abstain
Steve Moreno left the meeting at 11:28 am							
Norma Aguilar-Dave left the meeting at 1:30 pm							