

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

**Friday, January 21, 2022**

**THIS MEETING WAS HELD VIA AUDIO/VIDEO CONFERENCING  
ONLY**

**SOMB Members**

Allison Boyd  
Carl Blake  
Christina Ortiz-Marquez  
Gary Kramer  
Glenn Knipscheer  
Gregg Kildow  
Jeff Shay  
Jesse Hansen  
Jessica Dotter  
Joshua Nowak  
Kathy Heffron  
Katie Abeyta  
Kimberly Kline  
Lisa Mayer  
Michelle Simmons  
Nicole Feltz  
Norma Aguilar-Dave  
Rick May  
Taber Powers  
Theresa Weiss

**SOMB Guests**

Alison Talley	Kim Gibson
Amira Minazzi	Kristin Kubacki
Angel Weant	Kristy Stansell
Annette Brown	Kyle Jones
Antoinette Ortiz	Lauren Rivas
Beth Baldwin	Laurie Kepros
Brian Horton	Lindsay Klatt
Brian Tobias	Margaret Ochoa
Bronwyn Neal	Marni Lyons
Casey Ballinger	Martha Lugo
Charla Thorstad	Mary Blevins
Colton McNutt	Melissa Gursky
Conrad Gonzales	Michelle Neergaard
Dana Montoya	Pat Harris
David Nahum	Rachelle Boespflug
Debra Baty	Rick Anglund
Delia Garcia	Rick Ostring
Edward Webster	Sara Phelps
Elizabeth Vera	Sarah Marlow
Grant Stewart	Sue Ferrere
Jason Talley	Susan Walker
Jill Calvert	Tami Floyd
Karen Morgenthaler	Tanya Ahamed
Katelyn Rabago	Wellesley Bush
Keri Casanova	

**Absent SOMB Members:** Sharon Holbrook

**Staff:** Chris Lobanov-Rostovsky, Erin Austin, Raechel Alderete, Yuanting Zhang, Jess McBrayer, and Jill Trowbridge

**SOMB Meeting Begins: 9:05 am**

This meeting was recorded.

### **ORIENTATION TO THE MEETING:**

Kimberly 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 Nicole Feltz, the new Judicial representative replacing Angel Weant, and Judge Gary Kramer, the new District Court Judge representative replacing Judge Marcelo Kopcow, and welcomed Jill Calvert, who is considering becoming the new County Social Services representative, replacing Annette Norton. He then welcomed all in attendance.

Erin Austin (SOMB Staff) introduced herself, reviewed the various aspects of this WebEx meeting, and indicated how the meeting will be conducted. Erin Austin 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:**

The SOMB members introduced themselves individually and indicated how long they have been on the Board. Chris Lobanov-Rostovsky introduced the SOMB members who were not currently present and reviewed the open positions on the SOMB.

Jill Calvert (Executive Director of the Department of Human Services, Mesa County), who is considering joining the SOMB, introduced herself and described her background. Nicole Feltz (Deputy Chief Probation Officer, Larimer County) introduced herself and described her background. Judge Gary Kramer (District Court Judge, 18<sup>th</sup> Judicial District) introduced himself and described his background.

Raechel Alderete (SOMB Staff) introduced the SOMB staff.

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

### **FUTURE AGENDA ITEMS:**

#### **Board Members:**

Joshua Nowak (SOMB Member) noted that there are exclusive contracts between County Probation Departments and certain SOMB approved treatment providers and evaluators. He mentioned that these contracts question the efficacy of the evaluations and implies special benefits. Joshua Nowak indicated that this practice is hurting the small providers, and asked that this request be added to the Executive Committee agenda for review. Joshua Nowak noted the need for all providers to have the same opportunities.

#### **Audience:**

Laurie Kepros (Audience Member) urged the SOMB to understand more about the needs of marginalized population survivors of sexual violence (i.e., people of color, those living on the streets, those incarcerated.) Kimberly Kline (SOMB Chair) asked Laurie Kepros for any information from the Colorado Criminal Justice Reform Coalition (CCJRC) or data she has available for the SOMB to review, and indicated that this request will be put on the Executive Committee agenda.

Erin Austin (SOMB Staff) read a comment from an audience member who shared Laurie Kepros' request.

Kimberly Kline (SOMB Chair) noted that these requests will be given to the Executive Committee.

## **ANNOUNCEMENTS:**

### **Staff Announcements:**

Erin Austin (SOMB Staff) announced that the Application Review Committee (ARC) is looking for an adult treatment provider to fill a vacancy on this committee. She indicated that nominations for this position will begin shortly.

Erin Austin (SOMB Staff) announced that there will be an appeal at the February SOMB meeting. She indicated that the appeal information will be made available to Board members only via a secure Google Drive. Erin Austin noted that the SOMB members are to review all the documentation to ensure that the Application Review Committee (ARC) has followed the appropriate process, and that they agree with ARC's decision and recommendations. She noted that Carl Blake (SOMB Member) will introduce the information and the appeal process at next month's SOMB meeting. She asked the SOMB members to contact her, Raechel Alderete, or the ARC know if they feel any additional information needs to be included.

Chris Lobanov-Rostovsky (SOMB Staff) announced the following:

- **Training:**

- February 4, 2022 – Tackling Heteronormativity and Whitewashing in SO/DV Treatment: Holding Space for space for LGBTQIA and BIPOC populations. He noted that the cost is \$10, and indicated that this training is free for SOMB Members. Chris Lobanov-Rostovsky mentioned to watch for forthcoming registration information for this training.
- Lunch & Learn training for providers with a CoP approach – Chris Lobanov-Rostovsky indicated that these trainings are held every other month on the 2<sup>nd</sup> Thursday of the month through the lunch hour. He noted that the next Lunch & Learn training will be held on February 10, 2022 with a topic of Continuity of Care, and mentioned that this will be led by Tanya Ahamed, Christina Ortiz-Marquez, and Amanda Retting.
- Lunch & Learn training for the Standards Booster, Victim Clarification, and Juvenile Registry are upcoming
- 2022 Conference: Chris Lobanov-Rostovsky indicated that the SOMB is still planning an in-person conference in July 12<sup>th</sup> – July 16<sup>th</sup>. He noted that the Call for Papers has been sent out, and noted the need for diverse perspectives. Chris Lobanov-Rostovsky mentioned to reach out to staff if you have any questions.

- Equity, Diversity, Inclusion (EDI) Update: Chris Lobanov-Rostovsky indicated that the SOMB is continuing to address EDI and noted the following.

- The Best Practices Committee is looking at ways for providers to be more culturally inclusive, and that they are discussing ways to include client native language and cultural treatment matching.
- The Adult Standards Revisions Committee is working on Section 2 (for Evaluations) to make sure that risk assessments and other assessment tools are validated for the population being evaluated or the limitations of the tools are noted. He noted that evaluators should be aware of the research pertaining to marginalized populations, and to make sure they are qualifying, explaining, and sharing that information in the body of their evaluations.

- Board Appointments and Nomination Committee (Victim Representative): Chris Lobanov-Rostovsky noted there are two new pending members (Nicole Feltz and Judge Gary Kramer) and one possible new member (Jill Calvert). He mentioned that Allison Boyd (Victim Representative) will be leaving the SOMB in March due to term limits, and that the SOMB will lose her as an important part of the Board. Chris Lobanov-Rostovsky indicated due to Allison Boyd's retirement from the SOMB, that there will be a Victim Representative opening, and asked all to pass along any nominations to the staff. He clarified that this individual would ideally have a victim systems-based background, and mentioned that a nomination

committee will need to be created. Allison Boyd, Kimberly Kline, Michelle Simmons, and Lisa Mayer volunteered to be on the Nomination Committee.

- Conflict of Interest Disclosure Forms: Chris Lobanov-Rostovsky asked all SOMB members to complete the Conflict of Interest Disclosure JotForm being sent to them, and noted that this is their yearly disclosure as required in the Bylaws.
- Future Pending Agenda Items: The December future agenda items will also be brought before the Executive Committee as this Committee did not meet in December.
- SMART Hearing: Chris Lobanov-Rostovsky indicated that on January 28<sup>th</sup>, the Colorado Department of Public Safety and the Division of Criminal Justice (CDPS and DCJ) will attend the SMART hearing at the Colorado Legislature to review their goals and processes for the coming year. He noted that the SOMB was also asked to present the Annual Legislative Report at this hearing.
- SOMB Program Coordinator Position: Chris Lobanov-Rostovsky indicated that Marina Borysov's vacant position as the Program Coordinator of the SOMB has been posted, and asked that anyone interested to apply. He noted that this job posting can be found on the Colorado State job website.

### **Board Announcements:**

Jessica Dotter (SOMB Member) indicated that the Colorado District Attorney's Council published the underserved Community Victim Advocacy list, and noted that this is a great resource for those involved with underserved populations. She mentioned that this list will continue to grow and noted that the list includes Asian/Pacific Islanders, African America, Deaf or Hard of Hearing, Disabled, Immigrant, Latino, LGBTQ, BIPOC, Muslim, and Native American communities.

Jessica Dotter (SOMB Member) mentioned that the Rocky Mountain Victim Law Center will present Ethical Considerations When Navigating Victim Trauma training on January 26<sup>th</sup> from 11:30 am – 1:00 pm. She noted this training will include continuing legal education (CLE), and also will include ethical and Equity, Diversity, and Inclusion (EDI) credits. She described the basis of this training, and noted that she will include a registration link in the Chat function.

### **Audience Announcements:**

None

### **APPROVAL OF December MINUTES (Decision Item) – (Attachment #1)**

***Josh Nowak (SOMB Member) moved to approve the December Minutes as presented.***

***Carl Blake (SOMB Member) 2<sup>nd</sup> the motion.***

Yuanting Zhang (SOMB Staff) and Kimberly 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 December Minutes as presented: Joshua Nowak; Carl Blake 2<sup>nd</sup> (Question #1)**

<b>17</b>	<b>Approve</b>	<b>0</b>	<b>Oppose</b>	<b>0</b>	<b>Abstain</b>	<b>Motion Passes</b>
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Jeff Shay (via phone) – yes

Rick May (via phone) – yes

Manual vote taken due to technical issues: 15 – yes  
0 – no  
0 – abstain

**APPROVAL OF AGENDA:**

The Agenda was then approved by consensus.

**SOMB 2 YEARS IN REVIEW (Presentation) – (No Attachment) – DCJ Staff**

Chris Lobanov-Rostovsky (SOMB Staff) introduced the SOMB two-year review, and thanked all those who have contributed so much and for their perspectives. This presentation included the following areas:

**Main Topics:**

- Purview and Function of the SOMB
- Evidenced Based Policies
- COVID Response
- Provider Oversight
- Stakeholder Diversity
- Equity, Diversity, and Inclusivity
- Standards and Policy Development

**Chris Lobanov-Rostovsky (SOMB Staff) presented the following:**

- SOMB Creation & History
- Duties of the Board
- Evidence Based Policies
- Sexual Assault Crime Statistics
- SOMB Dissemination of Evidence Based Practices: Conference and Training
- SOMB Data Collection and Results: Year 1
- Implementation Work Related to the Standards

**Erin Austin (SOMB Staff) presented the following:**

- COVID-19 Response
- Emergency Tele-mental Health Variance: Response to COVID
- Virtual Training & Continuing Education
- Virtual Meetings
- The Road to Tele-Mental Health
- Provider Oversight
- Recommendations from the Office of the State Auditors
- Mission Complete – finished recommendations of the Audit in December 2021
- New Board Member Orientation
- ARC Application and Complaint Process
- Customer Service & Technical Assistance

**Raechel Alderete (SOMB Staff) presented the following:**

- Stakeholder Diversity
- Collaboration on policy and practice with diverse stakeholder groups
- Who we have engaged

**Yuanting Zhang (SOMB Staff) presented the following:**

- Equity, Diversity, and Inclusivity
- EDI Data & Plan
- EDI Trainings
- EDI Action Steps

- Cultural Sensitivity Presentations

**Chris Lobanov-Rostovsky (SOMB Staff) then presented the following:**

- Standards and Policy Development
- Adaptability of Policies and Practices
- Board and Committee Policymaking Process
- Use of Research
- Standards and Policy Implementation

Chris Lobanov-Rostovsky (SOMB Staff) concluded by thanking the SOMB for their continued work and dedication to the Board, which benefits the State of Colorado.

**Board Discussion:**

None

**Audience Discussion:**

None

**HOUSING PANEL (Presentation) – (No Attachment) – Chris Lobanov-Rostovsky, DCJ; Charla Thorstad, Approved Provider; Jeff Shay, SOMB Member; Katie Abeyta, SOMB Member; Susan Walker, CSOR**

Chris Lobanov-Rostovsky (SOMB Staff) introduced the Housing Panel and the reason for this agenda item discussion. He indicated that this presentation is in response to a future agenda item request, and noted that the hope is that this discussion will help educate the SOMB on the issues of suitable housing for those clients who have moved from incarceration to a community setting.

**The Panelists introduced themselves:**

Jeff Shay (Law Enforcement Representative on the SOMB) introduced himself, indicated that he is from Pueblo, and noted that he has worked specifically with the sex offender population since 2005. He mentioned that he sits on numerous boards that deal with sex offender challenges.

Katie Abeyta (SOMB Vice-Chair and Victim Representative) introduced herself, and noted that she has experience with intimate partner violence clients who also have housing issues.

Susan Walker (CSOR Representative) introduced herself, and indicated the need in finding suitable housing for those who are entering community.

Chris Lobanov-Rostovsky (SOMB Staff) moderated the following discussion:

**Question #1 (Susan Walker/Jeff Shay): What are some of the challenges encountered for this population when trying to find suitable housing?**

Susan Walker responded that the public perception is skewed, and that the public does not understand that these individuals may not pose a safety risk. She reiterated that the research indicates that these individuals are at lower risk to recidivate when they have safe, suitable housing. Susan Walker also noted that this population is despised, are feared, are lonely, and that there is a lack of suitable and affordable housing for them.

Jeff Shay (SOMB Member) indicated that in Pueblo, housing for this population is more open and that they are able to live in hotels, group homes, and apartments.

**Question #2 (Jeff Shay): Why has this changed in Pueblo?**

Jeff Shay responded that in the last five years there are so many sex offenders in Pueblo that the public is not rejecting housing them in their neighborhoods.

**Question #3 (Jeff Shay): Has this changed in other jurisdictions?**

Jeff Shay responded that he does not know about other jurisdictions, but noted that Pueblo has less restrictive housing ordinances for sex offenders. He also indicated that Colorado Blue Sky Enterprises offers housing for sex offenders with developmental disabilities/intellectual disabilities (DD/ID).

**Question #4 (Katie Abeyta): What considerations are used when dealing with housing for victims?**

Katie Abeyta responded that while housing can be preventative for sex offenders, safe housing is also needed for victims. She indicated the following housing concerns for victims:

- Concerns of knowing where their offender lives, access to schools, campuses, etc.
- Victims lose housing due to safety issues living with their violent partner
- There is a lack of emergency housing
- Some victims continue to live with their offender for various reasons
- Housing is an unmet need for victims.

**Question #5 (Panel): What attributes to the shortage of housing for victims of intimate sexual violence?**

Katie Abeyta responded that there is also a lack of housing for marginalized population victims due to safety concerns and socio-economic issues. She also indicated that there are limitations of Federal funding for safe housing for these populations.

Susan Walker indicated that some of the efforts of CSOR is to find housing for this population, and noted that this is the first she has heard from the victim side of housing issues. She indicated that she will follow-up with Katie Abeyta regarding the challenges that victims face.

Susan Walker indicated some of the work that CSOR does to help these individuals with the housing issues:

- Visit properties
- Reach out the Volunteers of America (VOA)
- Reach out to the Denver Rescue Mission
- Reach out to churches
- Make phone calls/research housing options
- Contact current landlords
- Contact those who want to house this population
- Reach out to the Department of Corrections (DOC) case managers

Susan Walker mentioned that the Sexually Violent Predator (SVP) designation really discourages landlords from housing that population, and noted that there are currently 30 individuals with the SVP designation waiting for housing.

Charla Thorstad introduced herself and shared the challenges in finding suitable housing as indicated below:

- The stigma of the sex offender status causes reluctance to provide housing.
- Lack of education and community awareness – this population typically has low recidivism rates of 2.7% - 5%.
- It is hard to find a job without suitable or affordable housing which causes this population to end up living in unsafe neighborhoods with more crime, and alcohol and drug problems, which increases risk.

- The lack of housing becomes the main point in the sex offender's life, so that it is hard to focus on treatment

Jeff Shay indicated that there are some educational opportunities. He noted that the SVP Community Notification meetings do a good job educating the public. Jeff Shay mentioned that it is not only the SVP they should be afraid of, and indicated that sometimes the lowest risk sex offenders are more of a problem. He mentioned the need to not harass them for their label, to be aware of them, and to leave them alone.

Chris Lobanov-Rostovsky (SOMB Staff) noted that it might be advantageous to work with other community groups to educate the public so that they know the accurate nature of those convicted of a sexual offense.

**Question #6 (Katie Abeyta/Allison Boyd/Susan Walker): How do you handle where the offender is living and how does that impact the survivor?**

Allison Boyd (SOMB Member) responded in the chat that moving and changing residences is very costly, and noted that victims may not be able to stay where they are currently living due to the assault. She noted that they don't have anywhere to go and become homeless or couch surf. Allison Boyd mentioned that victims of sexual assault, domestic violence, or family incest also often rely on the perpetrator for paying rent or the mortgage, so when they lose the abuser as an income source, that can push people into losing their housing. She mentioned that non-offending parents of domestic violence or family incest can also be isolated or controlled and not have their own income source as part of the power and control.

Katie Abeyta indicated that survivors choose to relocate at their own expense, and mentioned that it is hard for survivors to empathize with the offender's housing needs.

Susan Walker indicated that there are unique challenges for those individuals looking for a group setting (due to age, disability, etc.) like nursing homes, or mental health facilities. She mentioned that it is almost impossible to find assisted living or other group housing facilities in the Denver Metro area, and noted that facilities often face penalties or fines from insurance when accepting sex offenders.

**Question #7 (Charla Thorstad/Jeff Shay): Are there things that the SOMB or the field can do to help with the housing shortage?**

Charla Thorstad responded that educating the community of the reality of the sex offenders would help, and noted that treatment agencies or the SOMB could seek out other avenues of community education through clubs, churches, community organizations. She indicated that SOMB members could join with those who want to go into the community to educate the public.

Jeff Shay indicated that they are not seeing the same problems in Pueblo at this time, and that community education would not be helpful in Pueblo.

**Question #8 (Panel): Would the attendance of Law Enforcement at these educational meetings provide some confidence to the public?**

Katie Abeyta responded that any support for those who commit offenses and survivors would be helpful. She mentioned that community education may help survivors understand issues of the sex offender, but she indicated that knowing where their offender lives is the chief concern for victims. Chris Lobanov-Rostovsky reiterated that finding housing for sex offenders is important, while not re-traumatizing the victims and their perspective.

Susan Walker also indicated that the Denver metro area has many gentrification projects going on which directly impedes housing options for sex offenders. She agreed that reaching out to those who are sympathetic to the

housing shortage, who may be willing to open their homes (short-term) while the offender finds a job and their own suitable housing, would be helpful.

**Board Discussion:**

Raechel Alderete (SOMB Staff) indicated that Kelly Hume prepared a paper regarding public education of sex offenders: <https://cdpsdocs.state.co.us/dvomb/SOMB/WN/EducationalASO.pdf>

Raechel Alderete (SOMB Staff) also noted that she and Erin Austin (SOMB Staff) have provided sex offender educational training for various organizations (i.e., VOA.)

Chris Lobanov-Rostovsky (SOMB Staff) suggested that the SOMB create training regarding sex offender housing that can be given to any organization that would be interested.

Kathy Heffron (SOMB Member) noted that the Statute does indicate that the SOMB should provide education and collaborate with law enforcement and other agencies regarding sex offenders. She also mentioned that in Subsection G of the Statute, it indicates that the SOMB is to provide best practices for living arrangements and community education on this topic. Kathy Heffron noted that education is very important, and mentioned there is opportunity for the SOMB and the agencies they represent to address this issue. She asked the Executive Committee to start discussion of this need, and noted that the SOMB has a large amount of resources, stakeholders, research, and information on how housing relates to treatment goals.

Erin Austin (SOMB Staff) indicated that whenever the SOMB is contacted, educational information is sent to those having a Community SVP Notification meeting. She noted that Rick Schneider (outside contractor) also provides training for law-enforcement agencies using the same information, and indicated that this topic will be added to the Executive Committee agenda for discussion.

Erin Austin (SOMB Staff) read the comments from the WebEx question & answer section.

**Audience Discussion:**

Rick Ostring (CSOR) noted the immediate need to find housing for people that have committed a sexual offense, who are waiting in jail due to no available housing. He indicated that 48 individuals are waiting in the Department of Corrections (DOC) who are approved for parole, but cannot be released due to lack of housing. Rick Ostring mentioned that 18 of these individuals have the SVP designation. He then clarified what CSOR does, and indicated that he, Tami Floyd, and Susan Walker are part of CSOR. Rick Ostring discussed a recent inmate release story and the issues he faced while trying to get to his parents, with no money, no phone, and no resources. He stressed the need to be able to act quickly to help with these situations.

Kimberly Kline (SOMB Chair) agreed that this is an issue, and that many shared living arrangement facilities are also closing causing further shortages of housing for these folks.

Susan Walker clarified that CSOR is an organization with more than three people, has a board, and she noted that there are other people who are involved in CSOR.

**BREAK: 12:05 – 12:37**

**TELE-HEALTH CRITERIA AND STANDARDS (Action Item) – (Attachment #2) – Carl Blake, SOMB Member; and Raechel Alderete, DCJ**

Raechel Alderete (SOMB Staff) introduced the tele-health criteria and standards topic and the reason for the discussion. She noted that there was much discussion from the Best Practices Committee, the Adult Standards Revisions Committee, the Juvenile Standards Revisions Committee, and others. Raechel Alderete noted that a survey was sent to all providers regarding the need for this change, and indicated that the SOMB is in support of a standards change, and are proposing to add a modality to the Standards in both the Juvenile and Adult Standards. She noted that the roman numerals will be changed to be consistent with other appendices.

Carl Blake (SOMB Member) noted that the “preferred” method of treatment is in-person, but indicated there may be circumstances where tele-mental health would be a better option based on unique factors of the client. He noted that providers must adhere to the criteria listed in this Standard, and mentioned this is consistent language with what the SOMB has seen previously. Carl Blake reviewed the various guidance this model offers in order to meet the needs of the client.

Carl Blake (SOMB Member) mentioned that this is an action item for the SOMB to see the language before voting at next month’s SOMB meeting. Raechel Alderete (SOMB Staff) reiterated that this is currently an action item, and encouraged all stakeholders to be aware of that. She also noted that if this passes at next month’s meeting then the previous COVID variances will be cancelled.

Carl Blake (SOMB Member) stressed that this is not a required modality, but is an available “option” to meet the needs of the client.

**Board Discussion:**

Taber Powers (SOMB Member) asked if the 1-1/2-hour travel criteria (Section 15 B.) is for one-way or round-trip. Carl Blake (SOMB Member) responded that was just a general example. He indicated that the distance can be changed to more general terminology. Carl Blake mentioned that alternate language can be inserted if the SOMB suggests.

Erin Austin (SOMB Staff) noted that there are times when a client travels 2-3 hours due to public transportation schedules and asked Carl Blake for clarification. Carl Blake (SOMB Member) responded that if in-person treatment creates a hardship, then there is flexibility to have tele-mental treatment.

Erin Austin (SOMB Staff) read a number of the comments in the Chat which indicate that there are some providers who are using tele-health exclusively and are not using tele-health on a client-need basis. Erin Austin reiterated that agencies should not be using tele-health exclusively, as this is an option for very rare situations. She indicated that based on treatment provider input, meeting in-person is the preferred modality for this population.

Erin Austin (SOMB Staff) read a comment that asked if the Department of Regulatory Agencies (DORA) approves tele-therapy, and also if tele-therapy can be offered across state lines. Carl Blake (SOMB Member) indicated that according to DORA, it will depend upon the licensing laws of Colorado and other states, and whether or not the treatment is permanent or temporary. He reiterated that the treatment must be client-centered.

Chris Lobanov-Rostovsky (SOMB Staff) indicated that the SOMB staff will gather data regarding what the surrounding states allow. He mentioned that when the client is in another state, treatment would be directed more by licensure than the Standards. Chris Lobanov-Rostovsky noted that DORA states that Colorado providers

must follow what the other state's requirements are, and he noted that there may be interstate compact agreements created with the other states.

Kimberly Kline (SOMB Chair) indicated to always remember that this is for the client's need, and not the providers.

Taber Powers (SOMB Member) questioned Section 7 B. regarding other individuals in therapy sessions. Carl Blake (SOMB Member) clarified that this would be for both the client and the therapist to not have anyone outside of the "approved" individuals present during tele-therapy, and noted that this does not exclude group therapy.

Erin Austin (SOMB Staff) asked all to take this suggested language back to their stakeholders for review and discussion, as this will come back as a decision item at next month's SOMB meeting.

**Audience Discussion:**

None

**DIVERSION REQUIREMENT TO USE A SOMB APPROVED EVALUATOR (Action Item) – (Attachment #3) – Kathy Heffron, SOMB Member; Taber Powers, SOMB Member; and Chris Lobanov-Rostovsky, DCJ**

Chris Lobanov-Rostovsky (SOMB Staff) noted that this discussion is a result of a future agenda item request, and outlined the confusion when using a SOMB approved evaluator/evaluation for diversion clients who have not been convicted. He also introduced Kathy Heffron and Taber Powers (SOMB Members) who lead this discussion.

Taber Powers (SOMB Member) clarified why these situations are being questioned. He indicated that there are no standards that address diversion clients. Taber Powers noted that the Standards and evaluators have no purview over these clients, and mentioned that these are individuals who have not been convicted, and that the risk assessments are not applicable.

Kathy Heffron (SOMB Member) clarified that a diversion client is an individual who has not been convicted, and indicated that it is different than a deferred judgement which is under the purview of the Standards. She noted each jurisdiction has different diversion criteria.

Allison Boyd (SOMB Member) indicated that the 1<sup>st</sup> Judicial District (JD) has been offering deferred prosecutions for juvenile sex offenders because they have confidence that these individuals are going through treatment and supervision. She noted that they have not offered deferred prosecutions for the adult population.

Chris Lobanov-Rostovsky (SOMB Staff) noted that the question is if an evaluation is given for diversion clients, if it has to be from an approved SOMB evaluator, and does it have to be a full approved SOMB evaluation. He indicated that evaluators should identify what they are or are not evaluating and the limitations of the results. Chris Lobanov-Rostovsky reviewed the "guidance" document created that will help clarify these situations. He noted that according to the Attorney General's office, the Standards already have an allowance for not following all the requirements for an SOMB evaluation, and indicated that when not doing a complete or full evaluation, then those limitations must be noted along with the limitations of the results and conclusions.

Chris Lobanov-Rostovsky (SOMB Staff) indicated that some SOMB members asked for clarification of the Statute for those situations where an SOMB evaluation is requested for diversion clients. He mentioned that the proposed language would help evaluators when diversion clients are referred to them.

### **Board Discussion:**

Gregg Kildow (SOMB Member) asked if the client fails in treatment, if there is a court action (filing), and what happens to this information and any reports the treatment provider provides. He also asked if this information is made available to the prosecution or brought up in court. Kathy Heffron (SOMB Member) responded that the information could possibly be used. Kathy Heffron further clarified when the charge is filed, with an opportunity for the individual to consult with counsel, the individual has to complete the evaluation and risk assessment by an SOMB approved evaluator. The evaluation results are given to the District Attorney, at which time they may put the individual in a diversion program. She clarified that the statute in reference is for agencies that are using State diversion funding under this statute. She indicated that if prosecuting attorneys are not subject to this statute, then they are not bound to those limitations.

Taber Powers (SOMB Member) noted that when the initial evaluation is done for a possible diversion client, that the client/attorney privilege agreement should be signed. Chris Lobanov-Rostovsky (SOMB Staff) also clarified that the statute does not indicate that an SOMB approved treatment provider must be used for diversion clients, therefore, treatment is not under the purview of the Standards.

Allison Boyd (SOMB Member) indicated that juveniles normally have a protective order stating that any statements will not be available if they are ultimately charged.

Jesse Hansen (SOMB Member) noted that the Domestic Violence Offender Standards also include a similar statute and requirement. He asked if the dynamics of the complications that arise from a diversion case be included in the Legislative Report, and or in Section 1 of the Standards that would fully clarify the confusions of this statute. Chris Lobanov-Rostovsky (SOMB Staff) responded that guidance should only be given to the evaluators at this time. Jesse Hansen noted that when evaluators receive this guidance, they will most likely turn away from evaluating diversion clients due to the complexities of the situation.

### **Audience Discussion:**

None

Erin Austin (SOMB Staff) indicated the two current sections of the Adult Standards which address times when an evaluator is not completing a "full" SOMB approved evaluation for a client. These are as follows:

**Section 2.220** *Any required evaluation areas that have not been addressed, or any required evaluation procedures that have not been performed, shall be specifically noted. In addition, the evaluator must state the limitations of the absence of any required evaluation areas or procedures on the evaluation results, conclusions or recommendations. When there is insufficient information to evaluate one of the required areas, then no conclusions shall be drawn nor recommendations made concerning that required area.*

**Section 2.250** *Evaluators shall not represent or imply that an evaluation meets the criteria for a sex offense specific evaluation if it does not comply with the SOMB Standards and Guidelines. Evaluators shall include a statement in each completed evaluation as to whether the evaluation is fully compliant with the SOMB Standards and Guidelines or not.*

Kimberly Kline (SOMB Chair) mentioned that since there were no SOMB objections to the proposed additional language, that this guidance will move forward.

**SOMB SUNSET REVIEW (Presentation) – (No Attachment) – Brian Tobias, DORA**

Chris Lobanov-Rostovsky (SOMB Staff) introduced Brian Tobias, who is the Department of Regulatory Agency’s (DORA) representative conducting the Sunset review investigation.

Brian Tobias (DORA) introduced himself and gave an overview of what a Sunset Review is and what criteria is used when doing a review.

Brian Tobias (DORA) indicated that the last Sunset Review was completed in 2019, with the decision to be made by the Legislature in the 2020 Session. He noted that due to COVID, the General Assembly decided to extend the SOMB until 2021, but the decision was then amended to continue three years (until 2023.) Brian Tobias mentioned that the General Assembly has now requested another Sunset Review be done at this time.

Brian Tobias (DORA) noted that since he just did this review a couple of years ago, that the process will change. He mentioned that he will attend as many SOMB meetings as possible, but will limit his contact with stakeholders. Brian Tobias indicated that he will be available for stakeholder discussion, and noted that he can be reached through the COPRRR website, and that a link to this website can be found on the SOMB home page.

**Board Discussion:**

None

**Audience Discussion:**

None

**Meeting Adjourned: 1:45 pm**

Respectfully,

\_\_\_\_\_  
Jill Trowbridge  
Program Assistant

\_\_\_\_\_  
Date



\_\_\_\_\_  
Kimberly Kline  
Chair of the SOMB

\_\_\_\_\_  
3/14/2022

\_\_\_\_\_  
Date

Event Name	Event Start Date	Event Start Time	FirstName	LastName	Join Time	Leave Time	Motion to Approve the December Minutes (10:04 am / 10:09 am)
SOMB Meeting January	January 21, 2022	9:00 am	D Allison	Boyd	8:58 am	D 1:46 pm	Y
SOMB Meeting January	January 21, 2022	9:00 am	D Carl	Blake	8:36 am	D 1:46 pm	Y
SOMB Meeting January	January 21, 2022	9:00 am	D Christina	Marquez	9:56 am	D 1:46 pm	Y
SOMB Meeting January	January 21, 2022	9:00 am	D Jesse	Hansen	8:31 am	D 1:47 pm	Y
SOMB Meeting January	January 21, 2022	9:00 am	D Gary	Kramer	9:01 am	D 1:46 pm	N/A
SOMB Meeting January	January 21, 2022	9:00 am	D Glenn	Knipscheer	8:58 am	D 1:46 pm	Y
SOMB Meeting January	January 21, 2022	9:00 am	D Gregg	Kildow	8:44 am	D 1:46 pm	Y
SOMB Meeting January	January 21, 2022	9:00 am	D Jeff	Shay	9:00 am	D 1:46 pm	Yes - via phone
SOMB Meeting January	January 21, 2022	9:00 am	D Jessica	Dotter	8:52 am	D 1:46 pm	Y
SOMB Meeting January	January 21, 2022	9:00 am	D Joshua	Nowak	9:02 am	D 1:46 pm	Y
SOMB Meeting January	January 21, 2022	9:00 am	D Kathryn	Heffron	10:31 am	1:15 pm	N/A
SOMB Meeting January	January 21, 2022	9:00 am	D Katie	Abeyta	9:00 am	D 1:46 pm	Y
SOMB Meeting January	January 21, 2022	9:00 am	D Kimberly	Kline	8:59 am	D 1:46 pm	Y
SOMB Meeting January	January 21, 2022	9:00 am	D Lisa	Mayer	8:51 am	D 1:46 pm	Y
SOMB Meeting January	January 21, 2022	9:00 am	D Michelle	Simmons	8:51 am	D 1:46 pm	Y
SOMB Meeting January	January 21, 2022	9:00 am	D Nicole	Feltz	8:56 am	D 12:58 pm	N/A
SOMB Meeting January	January 21, 2022	9:00 am	D Norma	Aguilar-Dave	9:07 am	D 1:46 pm	Y
SOMB Meeting January	January 21, 2022	9:00 am	D Rick	May	9:45 am	Denver Tim	Yes - via phone
SOMB Meeting January	January 21, 2022	9:00 am	D Taber	Powers	8:59 am	D 1:46 pm	Y
SOMB Meeting January	January 21, 2022	9:00 am	D Theresa	Weiss	9:36 am	D 1:46 pm	Y
<b>Gary Kramer &amp; Nicole Feltz - Board appointments not confirmed yet - Did Not Vote</b>							<b>17 - Yes</b>
							<b>0 - No</b>
							<b>0 - Abstain</b>
<b>NOTE: These votes were taken via a manual count</b>							
<i>Therese Weiss joined the meeting at 9:36 am</i>							
<i>Rick May joined the meeting at 9:45 am via phone</i>							
<i>Christina Ortiz-Marquez joined the meeting at 9:56 am</i>							
<i>Kathy Heffron joined the meeting at 10:31 am</i>							
<i>Jill Calvert left the meeting at 12:01 pm</i>							

DRAFT