

SEX OFFENDER MANAGEMENT BOARD (SOMB) MINUTES

Friday, February 18, 2022

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

SOMB Members

Allison Boyd
Carl Blake
Gary Kramer
Glenn Knipscheer
Gregg Kildow
Jeff Shay
Jesse Hansen
Jessica Dotter
Joshua Nowak
Kathy Heffron
Katie Abeyta
Kent Vance
Lisa Mayer
Michelle Simmons
Nicole Feltz
Norma Aguilar-Dave
Rick May
Sharon Holbrook
Scott James
Tony Carochi
Taber Powers
Theresa Weiss

SOMB Guests

Alison Talley
Amanda Retting
Amira Minazzi
Andrea Bradbury
Andrei Lobanov-Rostovsky
Brenda Kay
Brian Tobias
Carolette Norwood
Casey Ballinger
Cheryl Kosmerl
Dana Montoya
Danielle Brito
Danielle Padgett
Debra Baty
Delia Garcia
Denise Metz
Gary Reser
James Bailey
Jamie Spinello
Jason Page
Jeff Jenks
Jenna Harper
Jessica Bartels
Jessica Meza
Jessie Glasscock
Judie Kunze
Karen Morgenthaler
Kate Rabago
Kristin Kubacki
Kyle Jones
Lauren Rivas
Laurie Kepros
Lindsay Klatt
Margaret Ochoa
Mario Mendoza
Marni Lyons
Marsha Brewer
Martha Lugo
Matthew Smith
Meg Kies
Melissa Bossert
Melissa Parkowski Helmer
Missy Gursky
Nancy Wolle
Paige Berg
Pamela Richardson
Pat Harris
Rachelle Boespflug
Rick Anglund
Rick Ostring
Roger Kincade
Sarah Marlow
Shanna Petersen
Shannon McFate
Sonya Hickson
Sophia Inda
Stephanie Bartmann
Steve Vigil
Susan Walker
Sydney Romero
Tami Floyd
Tanya Ahamed
Victor Cordero
Wellesley Bush
Wendy Biesemeier
Yvette Cousins

Absent SOMB Members: Christina Ortiz-Marquez, and Kimberly Kline

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

SOMB Meeting Begins: 9:07 am

This meeting was recorded.

ORIENTATION TO THE MEETING:

Katie Abeyta (SOMB Vice-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 then welcomed all in attendance.

Erin Austin (SOMB Staff) introduced herself, reviewed the various aspects of the 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:

Chris Lobanov-Rostovsky (SOMB Staff) introduced the SOMB members and asked the new SOMB members to introduce themselves. Tony Carochi (Director, Department of Human Services, Fremont County), Kent Vance (Rural County Commissioner, Washington County), and Scott James (Urban County Commissioner, Weld County) introduced themselves and gave a brief overview of their backgrounds.

Raechel Alderete (SOMB Staff) introduced the SOMB staff.

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

FUTURE AGENDA ITEMS:

Board Members:

None

Audience:

None

ANNOUNCEMENTS:

Staff Announcements:

Yuanting Zhang (SOMB Staff) announced the recent changes and improvements to the provider database management system, which included revised outcome questions. She also indicated that the majority of the glitches have been fixed. Yuanting Zhang encouraged feedback from the providers, and asked that they contact her with any questions.

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

- Training:
 - Continuity of Care Lunch and Learn training has been completed (the recording is available for providers)

- Clarification Lunch and Learn is scheduled for 4/7/22 from 12:00 – 1:30 pm (the training announcement is forthcoming)
- A Framework for Addressing Teenagers’ Use of Sexual Digital Media training (given by Dr. Alex Rodrigues) is scheduled for 3/17/22 from 8:30 am – 12:30 pm virtually, and he noted the cost is \$10.00. Chris Lobanov-Rostovsky mentioned that SOMB members can attend at no cost, and to contact him for the promo code if they wish to attend.
- 2022 ODVSOM Conference – He noted that this conference will be in person at the Beaver Run Resort located in Breckenridge, CO. Chris Lobanov-Rostovsky indicated that the call for papers for the conference has been extended through 2/25/22.
- Victim Representative on the SOMB – Chris Lobanov-Rostovsky indicated that the nomination packets have been released for this SOMB position and asked all to send this information to any SOMB staff member. He noted that Allison Boyd’s final meeting will be on March 18th, 2022.
- New Board Member Orientation – This will be scheduled soon (given by Kimberly Kline and Chris Lobanov-Rostovsky), and will most likely be at the April SOMB meeting. Chris Lobanov-Rostovsky noted that a mentor is working with each of the new board members, and he indicated that the new members can abstain from voting if they feel they are not ready yet.
- Standard Operating Procedures (SOPs) – Chris Lobanov-Rostovsky presented the following new SOPs which are for staff guidance, with no formal vote needed:
 - SOMB Nomination and Onboarding Process
 - SOMB Committee Operations
 He noted that if anyone has any feedback to please let the SOMB staff know.
- Pending Legislation Documentation - This has been included in the packet, and noted that new introduced bills and information will be included as they become available.
- Pending Future Agenda Items:
 - Outcome study related to the Sexually Violent Predator instrument (SVP) – The Office of Research and Statistics will take a look to see how best to proceed with this requested study.
 - Recruitment of providers from diverse backgrounds – The SOMB staff will partner with the Domestic Violence Offender Management Board (DVOMB) to look at ways to advance that goal.
 - Denial Standards related to those who did not commit an offense – The Executive Committee felt that this is more of a criminal justice or legal matter than a Standards matter. There are variance processes and other avenues for providers available to deal with these individuals.
 - Evaluations not being accepted by certain jurisdictions – Working with providers on this issue and looking for ways to assist and support them.
 - Victims of Color issue – The Executive Committee has deferred this discussion and will update all at a later date.
 - Living arrangements and housing issue – The Executive Committee has deferred this discussion and will update all at a later date.
- Conflict of Interest Disclosures – Chris Lobanov-Rostovsky asked if there are any further financial interest disclosures from the SOMB that need to be stated publicly. Taber Powers disclosed his financial interest (50% owner/operator of Durango Counseling, and his wife is also 50% owner of Durango Counseling); Theresa Weiss disclosed her financial interest (100% owner of Community Safety First.)
- Chris Lobanov-Rostovsky (SOMB Staff) announced the SOMB 30th Anniversary and gave some fun facts regarding the SOMB.

Board Announcements:

Jesse Hansen (SOMB Member) announced that February is Teen Dating Violence Awareness Month and indicated that he put information regarding this program in the Chat.

Audience Announcements:

None

APPROVAL OF January MINUTES (Decision Item) – (Attachment #1)

Carl Blake (SOMB Member) moved to approve the January Minutes as presented. Taber Powers (SOMB Member) 2nd the motion.

Yuanting Zhang (SOMB Staff) and Erin Austin (SOMB Staff) 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 January Minutes as presented: Carl Blake; Taber Powers 2nd (Question #1)

17	Approve	0	Oppose	4	Abstain	Motion Passes
-----------	----------------	----------	---------------	----------	----------------	----------------------

Jeff Shay (via phone) – Yes

Rick May (via phone) – Yes

APPROVAL OF AGENDA:

It was noted that the order of the Agenda has changed.

The Agenda was then approved by consensus.

PROVIDER COMPLAINT APPEAL HEARING (Decision Item) - (No Attachment) – Carl Blake, ARC Chair; and Appellants, Jason Page, Approved Provider, and Martha Lugo, Complainant

Erin Austin (SOMB Staff) reviewed the appeal hearing process, and reviewed the specific rules and anticipated outcomes. She noted that both parties were given all the documents pertaining to this appeal. Erin Austin indicated that the SOMB should make a final decision of the following after testimony is given.

Chris Lobanov-Rostovsky (SOMB Staff) clarified the duties of the SOMB regarding deciding on these appeals:

- Uphold the Application Review Committee’s (ARC) decision in either case; or
- Overturn ARCs decision in either case; or
- Modify ARCs decision in either case; or review
- If there is any additional information needed that would change the decision; or
- If ARC followed their own process; and
- If the conclusion is founded or unfounded; and
- If the sanctions were appropriate

Chris Lobanov-Rostovsky (SOMB Staff) noted that all ARC members will abstain from voting for the final decision. He mentioned that Katie Abeyta (SOMB Vice-Chair) will then ask the remainder of the SOMB members if they will have a conflict of interest. Chris Lobanov-Rostovsky also indicated that testimony times are extendable if agreed upon, and noted that no public participation or discussion will be allowed.

Jason Page (Defendant/Appellant) was given 20 minutes to present his position:

Jason Page noted that there are two major complaints:

- Whether he met the Standards regarding supervision of Ms. Lugo; and
- His accuracy in the overall scoring of the polygraph test and charts

Jason Page indicated that 46 tests were reviewed and the following was determined:

- 16 tests – The reviewers did not agree with final results;
 - 8 tests – The reviewers had a scoring difference of 1-2 pts.;

- 4 tests – The reviewers qualified things (i.e., controlled breathing) – Jason Page indicated that two individuals were on oxygen, one had asthma, and one had tremors which skew the results slightly;
- 3 tests – The reviewers reversed test results from non-deceptive to deceptive
- 1 test – The reviewers reversed his test results on one question, and he noted that it was a minute difference, and that he was taught to not score those minute differences

Jason Page noted that the reviewer differences in the sixteen tests reviewed had some very minute differences. He asked the SOMB to overturn the ARC decision due to the very minute differences.

Jason Page continued with his defense regarding Ms. Lugo’s supervision while employed by him. He agreed that he did not review enough of her charts and results, and indicated that there were some personality conflicts which should have been addressed. Jason Page went on to indicate that Ms. Lugo ran a number of tests outside of the accepted standards of polygraph testing. He noted that Ms. Lugo was terminated due to the violations, and her refusal to accept criticism regarding her report writing. Jason Page agreed that his supervision of Ms. Lugo could have been better.

Jason Page noted that Ms. Lugo filed a grievance with the SOMB in January of 2020, within one week of her being terminated. He indicated that he was not notified of the grievance until December 2020, and expressed concern that rumors about this investigation in November of 2020 had damaged his professional reputation, which he felt was not appropriate. Jason Page indicated that Probation did not renew his services contract in March 2021 due to the rumors and claims against him, and noted that due to this, he lost 50% of his income.

Carl Blake of the Application Review Committee (ARC) was given 20 minutes to present the ARC’s position:

Carl Blake (ARC Chair) outlined the ARC process and then gave the conclusions:

- ARC Membership includes:
 - Carl Blake (Chair)
 - Christina Ortiz-Marquez (DOC)
 - Michelle Simmons (Victim)
 - Rick May (Adult Treatment & Evaluation)
 - Glenn Knipscheer (Polygraph Examiners)
 - Theresa Weiss (Juvenile Treatment & Evaluation)
 - Melissa Parkowski-Helmer (DD/ID population)
 - Jesse Hansen (Department of Public Safety - non-voting member, except in tie-breakers)
 - Nicole Feltz (Judicial - did not participate in this matter)

Complaint Background:

Jason Page provided insufficient supervision and did not meet the requirements outlined in the Standards.

ARC looked at:

- If the supervision was conducted in accordance to the Standards regarding frequency and content; and
- If the quality of the supervision was in accordance with the expected standards of practice (the quantity of supervision, the nature of the supervision, and the quality of the supervision)

Carl Blake (ARC Member) indicated that the original complaint was received in August of 2020, and noted that the notice of complaint receipt was sent to both parties in December 2020.

Carl Blake (ARC Member) noted that the ARC performed an investigation regarding the following:

- Supervision – ARC asked for records from both the defendant and the complainant. There was disagreement between the parties regarding the frequency of the supervision. Due to the records received, ARC determined that supervision did occur at the proper frequency (both formal and informal supervision.)
- Supervision content – There was disagreement between the parties regarding the supervision content. Ms. Lugo indicated that the supervision critique was only directed at her report writing. Mr. Page indicated that supervision focused on a variety of topics, to include writing style. ARC could not conclude that content was lacking in regards to the content of supervision as indicated by the Standards.
- Quality of Supervision – The ARC asked for an extensive number of work product from both parties, and noted that ARC found errors in scoring practices and results. Carl Blake indicated that the ARC used expert polygraph reviewers (according to SOMB Bylaw 9.1) who focused on the extreme differences, and indicated that exams were scored incorrectly with inaccurate results. The ARC then looked at these discrepancies to see if this was due to a lack in the quality of supervision. He indicated that the findings indicated the errors on the part of the supervisee were due to the improper supervision from her supervisor, which determined that there was a lack of quality of supervision from Mr. Page.

Findings:

Carl Blake (ARC Member) noted that the ARC found sufficient evidence to conclude that the quality of supervision by Jason Page did not conform to the Standards which impacted the scoring practices of the complainant. He noted that due to this, ARC could not count any hours of supervision toward Martha Lugo’s listing status if she pursued the supervision complaint.

Appropriate Sanction:

- ARC required a period of six-month supervision for Jason Page to review scoring practices and results; and
- Jason Page could not supervise associate level examiners during that period.
- ARC would also receive updates and reporting of this supervision during the six-month period to ensure the sanction has been fulfilled

Carl Blake (ARC Member) noted that the ARC recommended to the SOMB that substandard practice in the supervision was determined, to uphold the sanction indicated, and to consider the appeal made by Martha Lugo in making a final determination of the sanction.

Martha Lugo was given 20 minutes to present her position:

Martha Lugo (Complainant/Appellant) indicated that she had not received proper supervision since November and December of 2019, and noted that the Department of Corrections (DOC) polygraph exams she gave were considered invalid. As a result, she was not paid for giving those exams.

Martha Lugo (Complainant/Appellant) noted that the issue with the written reports was concentrated on grammar and not the content. She indicated that she gave 482 polygraphs in her 16-month employment, and noted that none of her polygraphs were observed physically. Martha Lugo also noted that she never received requests from Jason Page (her supervisor) to review her charts, and indicated that he only looked at a few reports.

Martha Lugo expressed her disappointment in Mr. Page’s six-month sanction, and indicated that she lost her sixteen months of polygraphs while working at Accountability Polygraph. She noted her desire to serve the community, and mentioned that she was expecting supervisor guidance and direction as a new polygraph

examiner. Martha Lugo also indicated that she lost sixteen months of time, income, and credibility as a polygraph examiner as a direct result of Mr. Page's lack of supervision. She indicated that this also has a negative impact on polygraph examiners as a whole.

Martha Lugo noted that Jason Page's sanction should be longer (two years rather than six months) and that he be more accountable due to the charges he is accused of. She questioned if any of his previous supervisees had this same lack of supervision. Martha Lugo also suggested permanently removing Jason Page's ability to supervise anyone at the associate level. She also indicated that Jason Page did not have her sign off on any formal or informal meetings or supervision.

SOMB was given 20 minutes (Discussion):

Chris Lobanov-Rostovsky (SOMB Staff) noted that SOMB members can now have discussion.

Lisa Mayer (SOMB Member) asked if there is a confidentiality policy when a complaint has been filed and the releasing of complaint information. Carl Blake (ARC Chair) responded that there is a confidentiality clause, and noted that ARC members are not supposed to divulge confidential discussion or information outside of ARC. He went on to indicate that confidentiality is kept by the use of Executive Session within ARC meetings, which are not open to the public. Carl Blake indicated that he has not heard that this confidentiality has been broken by any ARC members. He indicated that Jason Page claims that the rumors caused some defamation of his character. Carl Blake then mentioned that the ARC had not even researched the complaint during the time he indicated the rumors were spreading. He indicated that there is no confidentiality requirement on the part of the complainant, and noted that there is no evidence that the rumors came from ARC.

Lisa Mayer (SOMB Member) asked how setting aside Martha Lugo's 482 polygraphs affects the clients of these tests. Carl Blake responded that not all of those were considered invalid, and noted that the tests are being handled by the Community Supervision Team (CST) on an individual basis. He went on to note that the ARC looked at these exams from the lens of supervision, and if the work product violates the standards of supervision. Carl Blake noted that the errors found on the part of Martha Lugo (supervisee) for those exams were a result of the Jason Page's (supervisor) inadequate supervision. He indicated that ARC was not tasked with determining if the exams needed to be set aside or retested. Carl Blake mentioned that would be up to the CST.

Taber Powers (SOMB Member) asked if the third-party reviewers were supplied the videos of the exams and the charts. Erin Austin (SOMB Staff) responded that they asked for the information required in a Quality Assurance review which includes charts, the report, the hand and electronic scoring, and any written notes. She indicated that no videos or transcripts were reviewed. Jason Page responded that he was not asked to supply the videos, and noted that those are available if asked by the reviewers.

Taber Powers (SOMB Member) asked if there has been a history of supervision deficiencies from Jason Page for other supervisees in the past. Carl Blake (ARC Chair) responded that there were no previously founded complaints regarding his supervision.

Taber Powers (SOMB Member) asked what the process was for ARC and the rationale for the 6-month sanction. Carl Blake (ARC Chair) noted that ARC's reasoning was to try to help the provider correct the behavior, and noted that delisting would happen when the behavior cannot be corrected. He indicated that ARC felt six months seemed to be a reasonable amount of time to improve Jason Page's supervision practices. Carl Blake indicated that the sanction needs to be fulfilled in order to release the individual from the sanction, and noted it can be extended if deemed necessary. He mentioned that ARC discussed different sanction timing, and noted that Jason Page will have to be supervised himself, and will not be allowed to supervise anyone during the sanction time.

Carl Blake reiterated that ARC leaned more toward correcting this behavior rather than permanently banning this individual from supervising. Erin Austin (SOMB Staff) also indicated that ARC can extend a sanction if necessary, and can remove the sanction when adequately fulfilled.

***Taber Powers made a motion to extend the SOMB discussion an additional 20 minutes.
Josh Nowak 2nd the motion***

**Motion to approve to extend the Appeal Hearing discussion: Taber Powers; Josh Nowak 2nd
(Question #2)**

22	Approve	0	Oppose	0	Abstain	Motion Passes
-----------	----------------	----------	---------------	----------	----------------	----------------------

Jeff Shay (via phone) – Yes
Rick May (via phone) – Yes

Taber Powers (SOMB Member) asked Jason Page if he can inform the SOMB of the clinical supervision training he has had. Jason Page responded that he has not had formal training.

Jessica Dotter (SOMB Member) asked Carl Blake what kind of listing qualification timing setback has occurred for Martha Lugo by the setting aside of the 482 tests that were not allowed. Carl Blake (ARC Chair) responded that the timeframe depends upon the level of her current work, the level of her supervision, and work product. He noted that the ARC has suggested she work with her current supervisor regarding her past tests and work product, and mentioned that it will be up to Martha Lugo and her supervisor when she will be ready to be able to move up in listing status. Carl Blake indicated that it should not take two years.

Allison Boyd (SOMB Member) asked when the six-month sanction period will start for Jason Page, or if it has already begun. Erin Austin (SOMB Staff) responded that the sanction period will start as soon as the letter goes out outlining the terms of the sanction, then the six months starts on the date of the findings letter and when it has been mailed to the parties involved. She indicated that if an appeal is filed, then this will stop the initiation of the sanction. Carl Blake (ARC Chair) responded to Allison Boyd and noted that when ARC requires someone to have supervision, they are asked for the names of their supervisors. He mentioned that ARC asked Jason Page for 4-6 proposed supervisors who could objectively supervise Jason Page.

Kathy Heffron (SOMB Member) asked Carl Blake and Glenn Knipscheer if there is formal clinical supervisor training available. Glenn Knipscheer (Polygraph Examiner) responded that he is not aware of any specific training for polygraph examiners, but noted that the Polygraph Guidelines have conditions that the supervisor is required to follow when supervising. He indicated that a written supervision agreement should be submitted to the SOMB. Carl Blake (ARC Chair) responded that there is general supervision training that is available for practitioners.

Jessica Dotter (SOMB Member) asked Martha Lugo if she could expand on the personal impacts due to losing those tests toward her listing status. Martha Lugo (Complainant) noted that she will have to pay for supervision fees, and noted that it will take time and money, effort, and will affect her reputation in the field.

Sharon Holbrook (SOMB Member) asked Carl Blake if the complaint is upheld, if there is anything that can be included that is protective for Ms. Lugo regarding her expenses and damage to her reputation. She asked if there is the ability to add language in the official findings that would be commensurate with the damages caused by her filing this claim. Carl Blake (ARC Chair) responded that ARC does not have the ability to impose any financial liabilities. He noted that ARC could acknowledge the personal, financial, and professional reputation that this claim has caused Martha Lugo. Erin Austin (SOMB Staff) clarified that after a complaint is filed, and is determined to be founded or unfounded, a finding letter goes out to both the claimant and the accused that

indicates the Standards that were in violation. She noted that a more detailed letter can be drafted in this case if need be.

Allison Boyd (SOMB Member) moved to extend the discussion to 11:30 am
Kathy Heffron 2nd the motion

Motion to extend the SOMB Appeal Hearing Discussion 10 minutes: Allison Boyd; Kathy Heffron 2nd the Motion

(Question #3)

19	Approve	2	Oppose	0	Abstain	Motion Passes
-----------	----------------	----------	---------------	----------	----------------	----------------------

Jeff Shay (via phone) – No

Rick May (via phone) – Yes

Allison Boyd (SOMB Member) thanked all for their professional participation in this hearing. She questioned why Jason Page be subject to only a six-month suspension and then be under a six-month supervision period. She suggested changing the sanction to no supervision for one year, with the need to be under supervision himself for one additional year. Carl Blake (ARC Chair) responded that this can be done if it is the will of the SOMB, and noted that the ARC will find a way to make this operational.

Allison Boyd (SOMB Staff) made a motion modify the findings of the ARC with the modification of Finding #2 by prohibiting supervision for one year, and to add one year of being personally supervised.

Lisa Mayer 2nd the motion.

Allison Boyd (SOMB Member) moved to approve the appeal hearing recommendations as amended.
Lisa Mayer (SOMB Member) 2nd the motion.

Taber Powers (SOMB Member) asked how the ARC will receive the supervision updates of this individual. Carl Blake (ARC Chair) responded that ARC will operationalize the amended findings.

Norma Aguilar-Dave (SOMB Member) asked if six months of suspended supervision and one year of supervision while supervising others might be a better approach. Allison Boyd (SOMB Member) responded that she would not modify her motion. The motion stands as presented.

Glenn Knipscheer (SOMB Member) asked for an additional amendment to the motion. Katie Abeyta (SOMB Vice-Chair) indicated since there is a motion on the floor, that it cannot be amended. Carl Blake (ARC Chair) responded that ARC will automatically follow up with Jason Page's supervisor and determine if a longer supervised period is needed.

Yuanting Zhang (SOMB Staff) and Katie Abeyta (SOMB Vice-Chair) reminded the audience not to participate in the vote, and asked the SOMB members to click "submit" to ensure their vote is recorded.

Motion to approve the Appeal Hearing recommendations as modified: Allison Boyd; Lisa Mayer 2nd (Question #4)

9	Approve	5	Oppose	7	Abstain	Motion Passes
----------	----------------	----------	---------------	----------	----------------	----------------------

Jeff Shay (via phone) – Yes

Rick May (via phone) – Abstain (ARC Member)

BREAK: 11:33 – 11:40

INTERSECTING VIOLENCE AT THE INTERSECTIONS OF RACE, GENDER, SEXUALITY AND SPACE (Presentation in Recognition of African American History Month) – (Attachment #4) (One Hour Training Credit Provided to All Attendees) – Dr. Carolette Norwood, Professor and Department Head of Sociology and Criminology, Howard University

Yuanting Zhang noted that February is Black History month and gave a brief background and introduction of Dr. Colette Norwood, who is a professor and the Department Chair of the Sociology and Criminology Departments at Howard University.

Dr. Colette Norwood showed a number of videos that depicted the disparate violence against Black Americans. She also discussed the qualitative studies that she delved into as a result of these disparities, and indicated some of the statistics that she uncovered. Dr. Norwood then went on to discuss her research:

Intersection Violence

- Structural (Indirect – policies)
- Interpersonal (Direct)
- Culture (observed and actualized)
- Spatial (mediation between indirect and direct, also observed and actualized)
 - Four dimensions
 - Containment (Social Isolation)
 - Surveillance
 - Expulsion (Displaced, Uprooted, Removed)
 - Execution
- Creates the “struggly” and premature black death as normative” manifest as Health Injustice.
- Resistance and Self-Organizing

Dr. Norwood indicated that the term Struggly is different from what is defined as “a” struggle or “the” struggle or as struggling through something. Struggly is doing difficult and distasteful things with no promise of reward.

Dr. Norwood highlighted some of the information brought out in the book chapter that had been sent to the SOMB members regarding intersecting violence and sexuality in black women throughout the history of the United States.

Dr. Norwood quoted the following Zimbabwean Proverb:

“Until the Lion tells his side of the story, the tale of the hunt will always glorify the Hunter.” She then indicated that Critical Race Theory (CRT) is the story told by the hunted.

Board Discussion:

Erin Austin (SOMB Staff) thanked Dr. Norwood for her candor on this topic, and noted that people in our field struggle with where to start, and how to help this population. They need to be made more aware of disparaged people’s histories and cultures in order to help them. Dr. Norwood responded that it is important to know who someone is, not the stereotypes that have been around for centuries. We should know, honor, and acknowledge each other’s’ differences. She stressed the need to let go of the preconceived ideas about someone before even knowing who they are. She told a Japanese analogy which states to go into a situation with a white sheet of paper, and to let the other write on it.

Chris Lobanov-Rostovsky (SOMB Staff) thanked Dr. Norwood for this discussion and that we need to keep this information at the forefront when dealing with others, so as to further understand their needs.

Audience Discussion:

None

BREAK: 12:47 – 1:10

TELE-HEALTH CRITERIA AND STANDARDS (Decision Item) – (Attachment #3) – Carl Blake, SOMB Member; and Raechel Alderete, DCJ

Raechel Alderete (SOMB Staff) reviewed the changes made to the Tele-health criteria in the Standards in Item #4, #6, #7B, #9C, and #15B per the discussion from last month's SOMB meeting. She noted that this will be added to the Juvenile Standards in Section 3.140 I, and as Appendix P. Raechel Alderete indicated that this will be updated in the Adult Standards also.

Carl Blake (SOMB Member) clarified that this option is not only for individual therapy, but can be used for group therapy also. He noted that if approved by the SOMB, and after the 60-day implementation period, then the current tele-therapy variances would end.

Katie Abeyta (SOMB Vice-Chair) asked for a motion to approve the Tele-health criteria and the changes made as requested.

Board Discussion:

Allison Boyd (SOMB Member) expressed concerns with Section 15 of the Appendix language, and she noted that the "rare" cases are not actually that rare. She suggested striking Item 15, and noted that if the treatment provider can't abide by the criteria in Section 1 - 14, then they should to submit a variance. Allison Boyd noted that this population should be treated primarily in person.

Jessica Dotter (SOMB Member) asked what oversight would be used when applying the Item 15 criteria in order to treat the client via tele-health. Carl Blake (SOMB Member) noted that the oversight would come from the CST/MDT to ensure it is necessary to meet the needs of the client or that without it there would be an inability to treat the client. He also noted that if a client files a complaint regarding treatment then the ARC would review that situation and either approve or deny that claim. Carl Blake also noted that the preferred mode of treatment would be in person, and that this is only in rare situations.

Carl Blake (SOMB Member) indicated that for practical purposes if a variance needs to be submitted for tele-therapy, that most times the ARC would approve it since they created these criteria.

Raechel Alderete (SOMB Staff) noted that the treatment providers are to provide updates in collaboration with the client to the ARC, and noted that the tele-health circumstances would be documented in the client file.

Allison Boyd (SOMB Member) suggested to add preferred "and expected" to the Standards. She noted that if it is going through ARC as a variance, then they would know if a treatment provider is using this more often than needed. Allison Boyd indicated that Item 15 negates the prior criteria, and opens the door for sole tele-therapy use with this population.

Jessica Dotter (SOMB Member) asked if providers can indicate in the data management system when they use tele-therapy in order to know if providers are overusing this modality and to collect data.

Jesse Hansen (SOMB Member) suggested that providers submit a report to ARC or in the data collection system when using this modality, without an actual approval from ARC.

Taber Powers (SOMB Member) noted the need to put trust in the CST/MDT's decision making, and realize that they are providing oversight, and are giving the client individualized treatment. Norma Aguilar-Dave (SOMB Member) also agreed with Taber Powers.

Carl Blake (SOMB Member) noted there were extensive conversations about Item 14 regarding minimum in-person and tele-therapy sessions. He reviewed the amount of work that the ARC does, and noted that they only meet six hours per month. Carl Blake suggested compromising by asking the providers to come and present to the SOMB in one year on how tele-therapy is working. He noted that any modification could be made at that time based on how tele-therapy is actually working in the field. Carl Blake agreed that adding the word "expected" in the Standards would make the statement stronger.

Rick May (SOMB Member) noted the need to understand the message being given to providers, and to trust the CST/MDT. He agreed with Carl Blake, and indicated that having providers coming to the SOMB to discuss the pros and cons of the system might be a good thing. Rick May indicated that the providers should have the authority and freedom to use tele-therapy.

***Rick May (SOMB Member) moved to approve the tele-health criteria with the addition of preferred and "expected" modality in the Standard.
Carl Blake (SOMB Member) 2nd the motion.***

Erin Austin (SOMB Staff) reiterated that the ARC and the Adults Standards Revisions Committee also agree that the treatment providers should be trusted that they are doing the right treatment for their clients, and ensuring community and victim safety.

Allison Boyd (SOMB) reiterated the need for a variance for this treatment modality. She suggested adding to Item 15 that the treatment providers submit a treatment modification report to the ARC when using the tele-health modality.

Chris Lobanov-Rostovsky (SOMB Staff) agreed that the Data Management System could be a great way to help collect needed data regarding frequency and when it is being used. He noted that when surveying the providers for the Lifetime Supervision report (in six months) that a few questions in the survey could also collect data from the providers in a timelier manner.

Jessica Dotter (SOMB Member) agreed with Chris Lobanov-Rostovsky's suggestion of using the Lifetime Supervision survey and the data management system for collecting some data.

Audience Discussion:

Lindsay Klatt (Audience Member) expressed concerned with overuse of tele-therapy, and she indicated that she has never been asked by the CST/MDT about the victim perspective when discussing the client treatment modality.

Yuanting Zhang (SOMB Staff) and Katie Abeyta (SOMB Vice-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 Tele-Health criteria and Standard as amended: Rick May; Carl Blake 2nd (Question #5)

18 Approve 2 Oppose 0 Abstain Motion Passes

Jeff Shay (via phone) – Yes

Rick May (via phone) – Yes

DIVERSION REQUIREMENT TO USE A SOMB APPROVED EVALUATOR (Decision Item) – (Attachment #5) – Kathy Heffron, SOMB Member; Taber Powers, SOMB Member; and Chris Lobanov-Rostovsky, DCJ

Chris Lobanov-Rostovsky (SOMB Staff) reviewed the background for this discussion and decision, and noted there was concern whether SOMB evaluators are to use a SOMB approved evaluation for diversion clients. It was indicated that the Standards state that there can be an exception to the use of an approved evaluation as long as the evaluators notate the reason why (i.e., certain risk assessments are not applicable for non-adjudicated or non-convicted diversion clients). He noted that this guidance is for evaluators to help them feel comfortable when taking these clients and disclaiming the terms of these evaluations.

Taber Powers (SOMB) noted that he brought this to the SOMB due to confusion in the field, and indicated this document gives guidance for the providers of what they can do without violating the Standards.

Kathy Heffron (SOMB Member) noted that this language will clarify for evaluators what their responsibilities are, if they choose to take these clients. She also indicated that diversion is handled differently in the various jurisdictions.

Board Discussion:

Jesse Hansen (SOMB Member) indicated that the Statute references the execution of a risk assessment instrument or the exclusion of one, and asked if this will cause confusion for prosecutors as to when an assessment should and should not be done. He noted that a next step with these situations would be to create guidance for treatment providers to support diversion client treatment.

Judge Gary Kramer (SOMB Member) read the language in Sub Section 6 of the Statute which states:

"An individual is not eligible for pretrial diversion unless charges have been filed, and after the individual has had an opportunity to consult counsel, and the individual has completed a sex-offense specific evaluation which includes the use of a sex-offense specific risk assessment instrument conducted by an evaluator approved by the SOMB."

Jessica Dotter (SOMB Member) responded to Jesse Hansen's question, and noted that this diversion document will give guidance and clarification to evaluators during the pretrial diversion stage.

Chris Lobanov-Rostovsky (SOMB Staff) asked Jessica Dotter if the diversion guidance document is giving the correct information, and that it would not hinder prosecutors. Jessica Dotter responded that this should clarify for prosecutors as to why they would not have the same risk assessments from evaluators in these cases.

Taber Powers (SOMB Member) indicated that there are no risk assessments for sexual recidivism for non-convicted clients who have committed sexual offenses, and noted that in terms of the evaluation there would not be a risk assessment.

Sharon Holbrook (SOMB Member) indicated that diversion clients are like those who have the pre-plea offense-specific evaluations, without the ability to have a risk assessment (in order to make a Burns determination by judges.)

Carl Blake (SOMB Member) supported the document as being necessary, but noted that it creates inconsistent practice for the SOMB, even though these clients do not fall under the Statutory purview of the SOMB.

Kathy Heffron (SOMB Member) concurred with the discussion.

Chris Lobanov-Rostovsky (SOMB Staff) disagreed with Carl Blake, and indicated that the Committee worked on this issue, and mentioned it is appropriate for the SOMB to weigh in on this issue, even though the SOMB has no statutory basis to make this guidance.

Judge Gary Kramer (SOMB Member) indicated that he will abstain from voting. He expressed concern that the Statute requires a risk assessment tool for an individual to be eligible for diversion and are to use a sex offense specific assessment. Judge Kramer noted that the Statute does explicitly indicate that a risk assessment be used, and asked to be more explicit when presenting to judges that a "risk assessment" was not used.

Audience Discussion:

None

Carl Blake (SOMB Member) moved to approve the diversion requirement to use a SOMB approved evaluator as presented.

Nicole Feltz (SOMB Member) 2nd the motion.

Chris Lobanov-Rostovsky (SOMB Staff) addressed Judge Gary Kramer's request and suggested amended language to the "for example" section as follows:

"certain risk assessment instruments may not be appropriate for use, and are not being used with a non-convicted/non-adjudicated population.)

Carl Blake (SOMB Member) revised his motion to approve the diversion requirement to use a SOMB approved evaluator as amended.

Nicole Feltz (SOMB Member) 2nd the revised motion.

Yuanting Zhang (SOMB Staff) and Katie Abeyta (SOMB Vice-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 Diversion requirement to use a SOMB approved evaluator as amended: Carl Blake; Nicole Feltz 2nd (Question #6)

17	Approve	0	Oppose	3	Abstain	Motion Passes
-----------	----------------	----------	---------------	----------	----------------	----------------------

Jeff Shay (via phone) – Yes

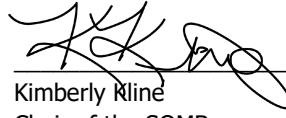
Rick May (via phone) – Yes

Meeting Adjourned: 2:15 pm

Respectfully,

Jill Trowbridge
Program Assistant

Date



Kimberly Kline

Chair of the SOMB

3/21/2022

Date

Event Name	Event Start Date	Event Start Time	FirstName	LastName	Join Time	Leave Time	Motion to approve January minutes?(9:47 am / 9:48 am)	Motion to extend the discussion by 20 minutes?(10:56 am / 10:57 am)	Motion to extend the discussion by another 20 minutes?(11:18 am / 11:19 am)
SOMB Meeting - February	February 18, 2022	9:00 am	D Katie	Abeyta	8:51 am	2:17 pm	De Yes	Yes	Yes
SOMB Meeting - February	February 18, 2022	9:00 am	D Norma	Aguilar-Dave	9:01 am	2:16 pm	De Yes	Yes	Yes
SOMB Meeting - February	February 18, 2022	9:00 am	D Allison	Boyd	9:00 am	2:16 pm	De Yes	Yes	Yes
SOMB Meeting - February	February 18, 2022	9:00 am	D Carl	Blake	8:42 am	2:16 pm	De Yes	Yes	Yes
SOMB Meeting - February	February 18, 2022	9:00 am	D Gary	Kramer	9:12 am	2:16 pm	De Yes	Yes	Yes
SOMB Meeting - February	February 18, 2022	9:00 am	D Glenn	Knipscheer	9:00 am	2:16 pm	De Yes	Yes	Yes
SOMB Meeting - February	February 18, 2022	9:00 am	D Gregg	Kildow	10:21 am	11:13 am	D N/A	Yes	N/A
SOMB Meeting - February	February 18, 2022	9:00 am	D Jeff	Shay	9:00 am	2:16 pm	De Yes - via Phone	Yes - via Phone	No - via Phone
SOMB Meeting - February	February 18, 2022	9:00 am	D Jesse	Hansen	8:45 am	2:16 pm	De Yes	Yes	Yes
SOMB Meeting - February	February 18, 2022	9:00 am	D Jessica	Dotter	9:00 am	2:16 pm	De Yes	Yes	Yes
SOMB Meeting - February	February 18, 2022	9:00 am	D Joshua	Nowak	9:00 am	2:16 pm	De Yes	Yes	Yes
SOMB Meeting - February	February 18, 2022	9:00 am	D Kathryn	Heffron	9:04 am	2:16 pm	De Yes	Yes	Yes
SOMB Meeting - February	February 18, 2022	9:00 am	D Kent	Vance	8:49 am	2:16 pm	De Abstain	Yes	Yes
SOMB Meeting - February	February 18, 2022	9:00 am	D Lisa	Mayer	8:45 am	2:16 pm	De Yes	Yes	Yes
SOMB Meeting - February	February 18, 2022	9:00 am	D Michelle	Simmons	8:56 am	2:17 pm	De Yes	Yes	Yes
SOMB Meeting - February	February 18, 2022	9:00 am	D Nicole	Feltz	8:55 am	2:16 pm	De Yes	Yes	Yes
SOMB Meeting - February	February 18, 2022	9:00 am	D Rick	May	9:00 am	2:16 pm	De Yes - via Phone	Yes - via Phone	Yes - via Phone
SOMB Meeting - February	February 18, 2022	9:00 am	D Scott	James	8:59 am	12:33 pm	D Abstain	Yes	No
SOMB Meeting - February	February 18, 2022	9:00 am	D Sharon	Holbrook	8:47 am	2:16 pm	De Abstain	Yes	Yes
SOMB Meeting - February	February 18, 2022	9:00 am	D Taber	Powers	9:09 am	2:16 pm	De Yes	Yes	Yes
SOMB Meeting - February	February 18, 2022	9:00 am	D Theresa	Weiss	8:50 am	2:16 pm	De Yes	Yes	Yes
SOMB Meeting - February	February 18, 2022	9:00 am	D Tony	Carochi	8:43 am	2:16 pm	De Abstain	Yes	Yes
							17 - Yes	22 - Yes	19 - Yes
							0 - No	0 - No	2 - No
							4 - Abstain	0 - Abstain	0 - Abstain
<i>Jessica Dotter left the meeting at 11:56 am</i>									
<i>Jessica Dotter re-joined the meeting at 12:39 pm</i>									
<i>Jessica Dotter left the meeting at 12:48 pm</i>									
<i>Jessica Dotter re-joined the meeting at 1:04 pm</i>									
<i>Joshua Nowak left the meeting at 12:59 pm</i>									
<i>Joshua Nowak re-joined the meeting at 1:19 pm</i>									
<i>Michelle Simmons left the meeting at 12:48 pm</i>									
<i>Michelle Simmons re-joined the meeting at 1:07 pm</i>									

Event Name	Event Start Date	Event Start Time	FirstName	LastName	Join Time	Leave Time	Motion to modify the ARC findings by the following: The Provider is prohibited from supervision of associate level polygraph examiner for 1 year. After that year, the provider must participate in supervision in order to provide supervision to an associate level provider.(11:30 am / 11:31 am)	Motion to approve the telehealth criteria and standards with addition of language "in-person therapy is preferred and expected".(1:46 pm / 1:48 pm)	Motion to approve the Diversion Guidance Document as amended?(2:14 pm / 2:15 pm)
SOMB Meeting - February	February 18, 2022	9:00 am	Dr Katie	Abeyta	8:51 am	Dr 2:17 pm	De Yes	No	Yes
SOMB Meeting - February	February 18, 2022	9:00 am	Dr Norma	Aguilar-Dave	9:01 am	Dr 2:16 pm	De No	Yes	Yes
SOMB Meeting - February	February 18, 2022	9:00 am	Dr Allison	Boyd	9:00 am	Dr 2:16 pm	De Yes	No	Yes
SOMB Meeting - February	February 18, 2022	9:00 am	Dr Carl	Blake	8:42 am	Dr 2:16 pm	De Abstain	Yes	Yes
SOMB Meeting - February	February 18, 2022	9:00 am	Dr Gary	Kramer	9:12 am	Dr 2:16 pm	De No	Yes	Abstain
SOMB Meeting - February	February 18, 2022	9:00 am	Dr Glenn	Knipscheer	9:00 am	Dr 2:16 pm	De Abstain	Yes	Yes
SOMB Meeting - February	February 18, 2022	9:00 am	Dr Gregg	Kildow	10:21 am	[11:13 am	D N/A	N/A	N/A
SOMB Meeting - February	February 18, 2022	9:00 am	Dr Jeff	Shay	9:00 am	Dr 2:16 pm	De Yes - via Phone	Yes - via Phone	Yes - via Phone
SOMB Meeting - February	February 18, 2022	9:00 am	Dr Jesse	Hansen	8:45 am	Dr 2:16 pm	De Abstain	Yes	Yes
SOMB Meeting - February	February 18, 2022	9:00 am	Dr Jessica	Dotter	9:00 am	Dr 2:16 pm	De No	Yes	Yes
SOMB Meeting - February	February 18, 2022	9:00 am	Dr Joshua	Nowak	9:00 am	Dr 2:16 pm	De No	Yes	Yes
SOMB Meeting - February	February 18, 2022	9:00 am	Dr Kathryn	Heffron	9:04 am	Dr 2:16 pm	De No	Yes	Yes
SOMB Meeting - February	February 18, 2022	9:00 am	Dr Kent	Vance	8:49 am	Dr 2:16 pm	De Yes	Yes	Abstain
SOMB Meeting - February	February 18, 2022	9:00 am	Dr Lisa	Mayer	8:45 am	Dr 2:16 pm	De Yes	Yes	Abstain
SOMB Meeting - February	February 18, 2022	9:00 am	Dr Michelle	Simmons	8:56 am	Dr 2:17 pm	De Abstain	Yes	Yes
SOMB Meeting - February	February 18, 2022	9:00 am	Dr Nicole	Feltz	8:55 am	Dr 2:16 pm	De Abstain	Yes	Yes
SOMB Meeting - February	February 18, 2022	9:00 am	Dr Rick	May	9:00 am	Dr 2:16 pm	De Abstain - via Phone	Yes - via Phone	Yes - via Phone
SOMB Meeting - February	February 18, 2022	9:00 am	Dr Scott	James	8:59 am	Dr 12:33 pm	D Yes	N/A	N/A
SOMB Meeting - February	February 18, 2022	9:00 am	Dr Sharon	Holbrook	8:47 am	Dr 2:16 pm	De Yes	Yes	Yes
SOMB Meeting - February	February 18, 2022	9:00 am	Dr Taber	Powers	9:09 am	Dr 2:16 pm	De Yes	Yes	Yes
SOMB Meeting - February	February 18, 2022	9:00 am	Dr Theresa	Weiss	8:50 am	Dr 2:16 pm	De Abstain	Yes	Yes
SOMB Meeting - February	February 18, 2022	9:00 am	Dr Tony	Carochi	8:43 am	Dr 2:16 pm	De Yes	Yes	Yes
							9 - Yes	18 - Yes	17 - Yes
							5 - No	2 - No	0 - No
							7 - Abstain	0 - Abstain	3 - Abstain
<i>Jessica Dotter left the meeting at 11:56 am</i>									
<i>Jessica Dotter re-joined the meeting at 12:39 pm</i>									
<i>Jessica Dotter left the meeting at 12:48 pm</i>									
<i>Jessica Dotter re-joined the meeting at 1:04 pm</i>									
<i>Joshua Nowak left the meeting at 12:59 pm</i>									
<i>Joshua Nowak re-joined the meeting at 1:19 pm</i>									
<i>Michelle Simmons left the meeting at 12:48 pm</i>									
<i>Michelle Simmons re-joined the meeting at 1:07 pm</i>									