

# COLORADO DOMESTIC VIOLENCE OFFENDER MANAGEMENT BOARD

## MEETING MINUTES

July 10, 2020

### Attendance:

#### **Domestic Violence Board Members Present:**

Bradley Burback, Brandy Walega, Erin Gazelka, Jackie List, Jeanette Barich, Jennifer Parker, Karen Morgenthaler, Kristiana Huitrón, Laura Bravo, Michelle Hunter, Nicole Collins, Nancy Olson, Raechel Alderete, Stephanie Fritts, Tally Zuckerman

#### **Domestic Violence Board Members Absent:**

Jenifer Morgen, Sandra Campanella

#### **Staff Present:**

Adrienne Corday, Carolina Thomasson, Chris Lobanov-Rostovsky, Elliot Moen, Jesse Hansen, Marina Borysov

#### **Guests:**

Amanda Albo, Bernice Gamez, Brian Horton, Delphinia Jaramillo, Ellen Stein Wallace, Jalice Vigil, Linsey Spraker, Patricia Murphy, Phillippe Marquis, Sarah Parshall, Sasha Cafaro, Steven Landman, Tarikah Dixon, Taylor Linn

### Introductions

The meeting convened online at 9:38am. Jesse indicated to Nancy Olson (Chair) that there was quorum. Nancy called the meeting to order. The Domestic Violence Offender Management Board (DVOMB) members and staff gave introductions.

Jesse Hansen welcomed guests and asked Marina to cover some of the basic features of WebEx. Marina announced that the meeting was being recorded and proceeded to review the different WebEx features. She asked Board members please use the raise your hand feature and wait to be called upon by the Chair. She also shared that Board members could use the chat box to get the attention of staff. Marina also asked guests to email her if they are attending by phone only so that the minutes can accurately reflect those in attendance.

Nancy asked if there was consensus to approve the July agenda.

**There was consensus to approve the July agenda.**

Next, the Board reviewed the May minutes. Jesse noted Brandy submitted two corrections to the minutes prior to the meeting, which were added. Nancy asked if there was a motion.

**Erin Gazelka moved to approve the May minutes. Stephanie Fritts, seconded the motion.**

Discussion:

Erin noted that Sasha Cafaro's name was misspelled.

**Erin Gazelka modified her motion to approve the May minutes as amended. Stephanie Fritts, seconded the modified motion.**

The amended motion passed with twelve votes to approve, zero votes to object, and two votes to abstain.

Responses		
	Percent	Count
Yes	85.71%	12
No	0.00%	0
Abstain	14.29%	2
Totals	100%	14

### Announcements:

- Staff Announcements:
  - Jesse Hansen announced:
    - The deadline to apply or nominate someone for the vacant Mental Health Professional appointment to the DVOMB was being extended to July 17<sup>th</sup>. Jesse asked for volunteers to assist with reviewing prospective applicants in the event that multiple applications/nominations are received. Erin Gazelka, Karen Morgenthaler, and Raechel Alderete volunteered to help;
    - The DVOMB website will be migrating to a new platform in the coming months. He noted that no specific dates have been provided;
    - That the Executive Committee was interested in feedback from Board members regarding the length and start time of the meetings. Board members did not have any feedback;
    - The DVOMB staff will continue working remotely through Labor Day due to COVID-19;
    - The DVOMB staff has provided exceptional support to the Board and to Approved Providers and he thanked each one for their valued efforts during this tenuous time;
  - Carolina Thomasson announced:
    - The DVOMB issued additional COVID-19 guidelines regarding the requirement for applicants to accrue face-to-face co-facilitation hours. Effective July 1<sup>st</sup>, co-facilitation hours required for an application may be accumulated via teletherapy or E-Therapy sessions with a Full Operating Level (FOL) Provider or a Domestic Violence Clinical Supervisor (DVCS) who has an approved teletherapy variance through the DVOMB. Additionally, Carolina noted that Domestic Violence Clinical Supervisors (DVCS) will be required to assess applicant competencies in providing services face-to-face, via teletherapy, or both. In the event that the applicant has not had the opportunity to conduct face-to-face services with domestic violence offenders, the DVCS shall describe any considerations or concerns with the applicant in their letter to the Application Review Committee (ARC);
    - The DVOMB issued guidance for Offender Evaluations during the COVID-19 pandemic. DVOMB Approved Providers are required to disclose any aspect of the offender evaluation that does not meet what is mandated by the Standards due to COVID-19;
    - The DVRNA Booster Training is in development and is expected to be ready sometime in the Fall of 2020;
    - She is offering designated times for Technical Assistance (TA) with Approved Providers and DVCSs during the month. The purpose of the TA Hours are to provide a consistent

scheduled and opportunity for Providers and DVCSs to ask questions about the Standards for clarification. The TA Hours are scheduled to start in August.

- Marina Borysov announced the following updates regarding training events:
  - DVOMB Online Trainings:
    - DVI02 – July 13<sup>th</sup>;
    - DVI03 – August 24<sup>th</sup>;
    - Lunch and Learn – August 3<sup>rd</sup>;
  - Trainings Sponsored by Others:
    - Sexual Harms Beyond Violence and Abuse, August 7<sup>th</sup>;
    - 2-Day Domestic Violence Female Offender Training, August 7<sup>th</sup> & 8<sup>th</sup>;
- Elliot Moen announced that data collection for the DVRNA validation study is underway and going well. He noted the data needed for examining future recidivism was being collected and that updates would continue to be provided to the Board.

### Board Announcements

Laura Bravo made an announcement regarding the passage of the Mental Health Sunset Bill (HB20-1206). She encouraged stakeholders to look at the changes.

### Public Announcements

There were no public announcements.

### Future Agenda Items

There were no future agenda items raised.

### Restorative Justice Practices in Domestic Violence Cases:

Carolina started by noting she is appointed to the Colorado Restorative Justice (RJ) Council as the Colorado Department of Public Safety (CDPS) representative. As part of her work with the RJ Council, Carolina noted that she has been involved with a subcommittee that is exploring the possibility of using RJ with domestic violence and sex offense cases. This subcommittee is comprised of council members and outside members with expertise in these respective DVOMB and SOMB fields. Meetings have sought to share information about what currently is offered to offenders post-conviction. Other states have reported using RJ with domestic violence and sex offense cases; however, research and data are limited on its application with these populations. Carolina summarized what is involved with RJ practices and who can provide RJ. Carolina noted that victim safety concerns and the prohibition of couples counseling had been discussed and shared with the RJ Council.

Jesse noted that this is outside the DVOMB's purview, but it may have long-term implications. The DVOMB could offer feedback given that the RJ Council was seeking input from various stakeholders from within the state as well. Chris followed up by noting that this was first reviewed by the Victim Advocacy Committee (VAC) and subsequently requested to be on the July meeting agenda. He also added that the Sex Offender Management Board (SOMB) would also be reviewing this at its July meeting.

Discussion:

- Brandy shared that while this is outside of the DVOMB's purview, she offered that the VAC recommended a white paper as a possibility. She also informed the DVOMB that there were concerns

about oversight of RJ Practitioners, the differences between restorative and transformative justice, and if the Board wanted to provide a formal response.

- Nicole asked if there was value to RJ being used when there is a different victim (someone who is not the identified victim) to go through this process representing the victim perspective;
- Carolina noted that an RJ process is different from RJ practices. She said that domestic violence offender treatment already may include the use of victim impact panels, role playing, etc., within a controlled setting. She indicated that the use of “surrogate victim” has been discussed and considered;
- Nancy read Sarah Parsal’s comment about victim empathy panel;
- Nancy asked for clarification about what next steps could be taken by the DVOMB at this point?
- Carolina noted that there is nothing needed today, but asked if there was interest by the DVOMB for creating a formal response?
- Kristiana Huitrón commented that some education about RJ processes and professional requirements to do RJ circles would be nice. She indicated support for learning more about this, but cautioned that this may create risks to victims;
- Raechel Alderete supported the use of a white paper;
- Jackie List responded to Kristiana and shared that her community explored this and did not find it to be effective. She also noted that her observation was that RJ Professionals did not appear to have the required training given that RJ Professionals could be any community member;
- Stephanie asked if there would be an opportunity to review the white paper? Jesse noted that the DVOMB would have an opportunity to review the white paper. Stephanie was in support of a white paper.
- Staff read comments offered by public members; all of which expressed concerns about the use of RJ with domestic violence and sex offense cases.

There was consensus by the DVOMB for the creation of a white paper regarding Restorative Justice Practices with domestic violence and sex offense cases. Nancy indicated that individuals interested in helping with the white paper should contact Carolina Thomasson.

#### Proposed Revisions to Section 1.0 regarding DVOMB Purview: (Handout)

Jesse reminded the Board that the revisions were reviewed at the May meeting as a discussion item. Jesse provided an update to the Board regarding the proposed revisions to Section 1.0 of the *Standards* and changes made at the recommendation of Ingrid Barrier, the Attorney General (AG) to the CDPS. He indicated that these changes help outline the parameters of the DVOMB’s purview with offenders who are placed in the community. Jesse also noted that Ingrid was in the process of clarifying the DVOMB’s purview with offenders placed in community corrections who are on an “inmate status.” Additionally, Jesse highlighted new language that would allow different terms to be used in the Standards when describing offenders (e.g., client, defendant).

- Brandy highlighted a couple grammatical corrections in the diagram. She then asked if the paragraph below should be modified from “change” to “challenge”. Chris Lobanov-Rostovsky supported the change and suggested that treatment is designed to help the client change.
- Erin echoed support for this change as well and the new language concerning the use of offender and client. She identified a grammatical change in that section.
- Brandy also commented that she agreed with the feedback provided by Dave Harrison that Section 7.0 should also be identified in the paragraph describing the different sections of the Standards. Jesse

agreed and made that change. Erin asked for clarification on the input by Dave. Chris asked if the Board needed to review Dave’s comments. Jesse noted that Dave’s changes were provided to the Board and that the comments seemed to be more detailed than what would be required for the purpose of an introduction. Erin agreed with Jesse and supported leaving the introduction to be more general and less specific. Jesse indicated that Dave’s comments would be included and available as part of the public comments submitted to the Board.

Nancy asked if there was a motion.

**Brandy Walega moved to accept the changes to Section 1.0. Erin Gazelka seconded the motion.**

The motion passed unanimously with fifteen votes to approve, zero votes to object, and zero votes to abstain.

Responses		
	Percent	Count
Yes	100.00%	15
No	0.00%	0
Abstain	0.00%	0
<b>Totals</b>	<b>100%</b>	<b>15</b>

**Modifying the Title of the DVOMB Standards: (Handout)**

Jesse noted that this agenda item was introduced to the Board at the May Board meeting. He indicated that this was a voting item. He reminded the Board that that referring to the *Standards* as being for court ordered offenders excludes populations on parole or community corrections who are also subject to the *Standards*, but not by virtue of a court order.

Brandy asked for Jesse to clarify why assessment was added to the title. Jesse explained that the term assessment in the Standards is used to highlight the need for continuously assessing for offender risk and victim safety even after the conclusion of the offender evaluation. Chris noted that this is the statutory language as well. Jesse noted that pending a vote to approve and public comment in support of this change, the staff would be tasked with the responsibility of replacing this language throughout the Standards where appropriate. Nancy affirmatively stated that the Board was sincerely envious of the Staff in performing such work of which requires such attention to detail.

**Karen moved to approve the title change as presented. Jackie List seconded the motion.**

Prior to the vote, Marina announced to the group that Stephanie Fritts had left the meeting and will not be present for the vote.

The motion passed unanimously with fourteen votes to approve, zero votes to object, and zero votes to abstain.

Responses		
	Percent	Count
Yes	100.00%	14

No	0.00%	0
Abstain	0.00%	0
<b>Totals</b>	<b>100%</b>	<b>14</b>

**ARC Committee Charter: (Handout)**

Jesse presented an updated version of the ARC Charter. Per the requirements of the DVOMB Bylaws, the ARC has developed a Committee Charter for its work. This Charter codifies what the ARC already does and the mandates that the Board has delegated to it. Jesse noted the Charter also gives the ARC the ability to provide feedback to the Board on revisions and specifies their work on E-Therapy.

Jesse asked Karen Morgenthaler (ARC Chair) to announce whom she has selected as her Co-Chair. Karen indicated that she spoke with the ARC members and was pleased to select Michelle Hunter.

Nancy asked if that was a separate vote. Jesse indicated that the Charter identifies the Chair and Co-Chair, so only one vote would be required.

Chris offered a suggestion to the last sentence of the Charter to reflect the new title of the Standards. Jesse agreed and there were no concerns voiced by the Board regarding that change.

Brandy Walega moved to accept the ARC Charter. Tally Zuckerman seconded the motion.

The motion passed unanimously with fourteen votes to approve, zero votes to object, and zero votes to abstain.

Responses		
	Percent	Count
Yes	100.00%	14
No	0.00%	0
Abstain	0.00%	0
<b>Totals</b>	<b>100%</b>	<b>14</b>

**New DVOMB Branding Guidelines (Handout)**

Marina Borysov gave a presentation to the Board regarding new branding guidelines. Both the DVOMB and SOMB have finalized its work to rebrand both organizations. The presentation showcased the new DVOMB logo, guidelines, and next steps.

**Determination of Domestic Violence Factual Basis by Jury**

Nancy invited Judge Burback to address the next agenda item with the Board. Judge Burback indicated that C.R.S. 18-6-801(1)(a) requires the court to make the determination of a factual basis of domestic violence when someone is convicted. He elaborated that this responsibility lies with the court and not the jury, unless someone is identified as being a habitual domestic violence offender. He acknowledged that both prosecuting and defense attorneys will sometimes ask for this process, but that the current statutory provision and case law do not allow for it.

Jesse indicated this was brought before the Board because staff have received questions about the use of juries to determine the factual basis of domestic violence. He noted that this is outside the purview of the DVOMB,



but that it can present challenges to Approved Providers when referred offenders for domestic violence offender services without a finding of domestic violence in their conviction. He asked if the Board thought something might be needed either in the Standards or elsewhere when stakeholders contact staff for help.

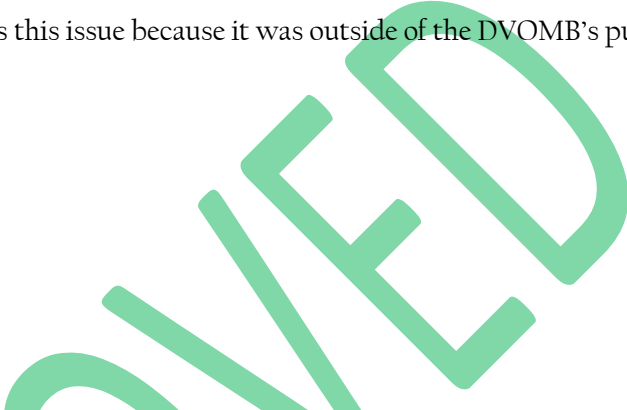
Nicole noted that this seemed more appropriate for the appellate courts to determine. She asked what else could be provided other than referring stakeholders back to C.R.S. 18-6-801(1)(a). She indicated that if there was an error by the court with a finding made, that should not be the responsibility of the Approved Provider. Judge Burback agreed with that comment. Tally Zuckerman agree and she did not think the DVOMB should have a role in that process.

The consensus of the Board was to not address this issue because it was outside of the DVOMB's purview.

**Adjourn**

The meeting adjourned at 11:58AM.

Respectfully submitted by,  
Jesse Hansen



**Individual Voting Results**

Active Participants	Total Participants				
15	15				
Last Name	First Name	Motion 1	Motion 2	Motion 3	Motion 4
Burback	Brad	1	1	1	1
Walega	Brandy	1	1	1	1
Gazelka	Erin	1	1	1	1
List	Jackie	1	1	1	1
Laura	Bravo	3	1	1	1
Parker	Jennifer	1	1	1	1
Raechel	Alderete	1	1	1	1
Hunter	Michelle	NP	1	1	1
Olson	Nancy	1	1	1	1
Morgenthaler	Karen	1	1	1	1
Fritts	Stephanie	1	1	NP	NP
Collins	Nicole	1	1	1	1
Barich	Jeanette	1	1	1	1
Zuckerman	Tally	3	1	1	1
Huitrón	Kristiana	1	1	1	1

Motion 1: Erin Gazelka modified her motion to approve the May minutes as amended. Stephanie Fritts, seconded the modified motion.

Motion 2: Brandy Walega moved to accept the changes to Section 1.0. Erin Gazelka seconded the motion.

Motion 3: Karen moved to approve the title change as presented. Jackie List seconded the motion.

Motion 4: Brandy Walega moved to accept the ARC Charter. Tally Zuckerman seconded the motion.

**Voting Legend**

1 = Yes

2 = No

3 = Abstain

NP = Not Present At the Time of Vote

APPROVED

