

COLORADO DOMESTIC VIOLENCE OFFENDER MANAGEMENT BOARD

MEETING MINUTES

August 14th, 2020

Attendance:

Domestic Violence Board Members Present:

Brandy Walega, Jackie List, Jeanette Barich, Jenifer Morgen, Jennifer Parker, Karen Morgenthaler, Kristiana Huitrón, Laura Bravo, Michelle Hunter, Nancy Olson, Sandra Campanella, Stephanie Fritts, Tally Zuckerman

Domestic Violence Board Members Absent: Bradley Burbach, Erin Gazelka, Nicole Collins, Raechel Alderete

Staff Present:

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

Guests:

Becky Gerringer, Erin Cooley, Jessica Meza, Josh Gunkel, Kathleen Beebe, Kay Knaub, Marlene Schafe, Marlon Sango, Philippe Marquis, Stefanie Cheever, Steve Landman, Tarikah Dixon

Introductions

The meeting convened online at 9:34am. Jesse indicated to Nancy Olson (Chair) that a quorum was present. Nancy called the meeting to order.

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.

Program staff facilitated introduction of the Domestic Violence Offender Management Board (DVOMB) members, staff, and members of the public.

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

There was consensus to approve the August agenda.

Next, the Board reviewed the July minutes. Nancy asked if there was a motion.

Brandy Walega moved to approve the July minutes as amended. Jackie List, seconded the motion.

Discussion:

Jesse noted three corrections to the minutes. There was no further discussion on the July minutes. Nancy asked Elliot to prepare the vote. Elliot reminded public members that only Board members should vote.

The amended motion passed with thirteen votes to approve, zero votes to object, and three votes to abstain.

Responses



	Percent	Count
Yes	76.92%	10
No	0.00%	0
Abstain	23.08%	3
Totals	100%	13

Announcements:

- Staff Announcements:
 - Jesse Hansen announced:
 - An interview panel was convened on August 5th for the purpose of making a recommendation to the Colorado Department of Public Safety (CDPS) Executive Director, Stan Hilkey, regarding the next Mental Health Professional appointment to the DVOMB. The panel consisted of Raechel Alderete, Erin Gazelka, Carolina Thomasson, and Jesse Hansen. The panel made a recommendation and the appointment is pending review by Director Hilkey. Jesse noted that he hoped this appointment would be finalized and that position would be filled by the August Board meeting;
 - DVOMB program staff will be continuing to work remotely until October 31st, 2020;
 - The Sex Offender Management Board (SOMB) was subject to an audit. He indicated that there may be some recommended changes to policy and procedures as a result of this audit in areas that were examined by the auditors. These mainly concern administrative tasks for staff, but Board members will be notified of changes and have an opportunity to discuss the changes prior to their implementation. Chris Lobanov-Rostovsky noted that CDPS was also looking more broadly about how these may impact other Boards outside of the DVOMB and SOMB in the form of Standard Operating Procedures (SOP) within the Department. He also indicated that some may be in the form of new requirements or best practices.
 - Carolina Thomasson announced:
 - She was offering designated technical assistance hours every month falling on the second and third Wednesdays of each month from 12:00-1:00PM.
 - Marina Borysov announced the following updates regarding training events:
 - DVOMB Online Trainings:
 - DVI03 – August 24th;
 - Nancy thanked the Board and the staff in being innovative and finding creative ways to help stakeholders during this time.

Board Announcements

Kristiana Huitrón announced that Voces Unidas for Justice were awarded a research project in partnership with Casa de Esperanza to study prevention and intervention approaches that support un/underserved victims of multiple crimes. Kristiana informed the Board that the project was extended and recruitment for the project was still ongoing. She described the qualifications necessary to participate in the study. There is a reward for participants. Brandy responded via the chat and suggested that she could help disseminate this survey through the Violence Free Colorado member listserv along with the Colorado Survivor Caucus listserv.

Public Announcements

There were no public announcements.

Future Agenda Items

There were no future agenda items raised.

DVOMB COVID-19 Guidance – Teletherapy Variance Extension:

Carolina started by noting that this agenda item is like Groundhog Day. She indicated that the Executive Committee has agreed to extend the COVID-19 Teletherapy Variance through October 31st. She also indicated that DVOMB Approved Providers have been doing a great job in the community.

Nancy asked if there were any comments from the Board or members of the public. Nancy asked if there was consensus by the Board for this extension.

There was consensus by the Board, in agreement with the Executive Committee, to extend the COVID-19 Teletherapy Variance through October 31st.

Criminal History Guidance and Requirements for Applications: (Handout)

Karen Morgenthaler introduced this topic. She informed the Board that the Application Review Committee (ARC) of the DVOMB is requesting guidance from the Board regarding the criminal history of individuals seeking placement on the DVOMB Approved Provider List. Specifically, she indicated the issue involved individuals with a history of domestic violence applying for placement on the Approved Provider List. She articulated that the ARC has reviewed a few Intent to Apply applications of individuals who disclosed a history of domestic violence. She referenced Standard 10.02.

Tally Zuckerman asked a clarifying question if the conviction was specific to violence related crimes (e.g. domestic violence) or any conviction. Karen responded that it is related to the Approved Provider's ability to practice. Jesse added that the ARC has discretion currently by way of the Standards and the central issue is if the Board would be open to allowing someone with a domestic violence or violent criminal history becoming an Approved Provider. Chris added that the Standards changed giving the ARC more flexibility and he noted that prior conversations have focused on time passed since the conviction. Chris informed the Board that the ARC's most recent discussion on this did not have consensus. On one final note from the staff, Carolina also let the Board know that this is important in managing expectations of applicants seeking to start the process.

Jenifer Morgen acknowledged both sides of the issue and referenced how the substance abuse treatment field allows prior abusers to become providers. She commented, however, that giving a domestic violence offender an opportunity to work as a therapist with other offenders was concerning regardless of the length of time. She asked for any Board members who would advocate for this to share their thoughts. She noted that she was comfortable with the language in the Standards and would encourage the ARC to proceed very conservatively.

Tally agreed to the extent that some restrictions would need to be in place and that a conservative approach would be appropriate, but Tally disagreed with the idea that it should be based on a conviction. She noted that many behaviors that can be categorized as a domestic violence conviction as a misdemeanor or felony. She advocated that the ARC should retain the discretion currently afforded by the Standards.

Laura Bravo commented that DORA is looking at similar issues with licensing. She indicated that present the language is good, but noted that DORA has also developed criteria for evaluating applicants and Providers. The ARC should have enough guidance in order to avoid appearing as arbitrary based on different outcomes over time.

Brandy Walega supported allowing the ARC discretion and stated that the type or level of conviction would not be an effective indicator. Sandy Campenella also said that the criminal conviction does not always lead to the behavior.

Jeanette Barich stated that, as a mental health provider, she believed people could change and that was the point of treatment. She asked if the ARC would consider collateral information in addition to the letter when considering an applicant's appropriateness to do this work. She also noted that she supported a conservative approach.

Kristiana suggested that context was important when looking at prior behaviors and criminal history. She noted that many victims are implicated by the criminal justice system for domestic violence in self-defense. She did not support a categorical prohibition.

Chris thanked the Board for their thoughtful comments. He said that a prohibition against allowing someone with a domestic violence conviction is not suggesting that treatment is not effective or that someone is incapable of change. Rather, Chris indicated that treatment may not be the appropriate place for someone who has rehabilitated successfully to engage in this work. Chris also noted that this may present as an impossible task to the ARC to accurately determine if domestic violence behaviors have been adequately remediated without requiring a domestic violence offender evaluation and how those determinations are made could be problematic.

Jesse indicated that if the Board was moving in a direction of continuing this discretion while using a conservative approach, the ARC would still need to develop a clear set of criteria to use when reviewing an application. Jesse further noted that if an applicant was approved through the Intent to Apply, the ARC would likely ask the Domestic Violence Clinical Supervisor (DVCS) to include prior domestic violence issues in their supervision of the applicant and how it relates to their ability to practice with this population.

Nancy then opened the discussion to the public for comment.

Marlon Sango commented first and offered his support for allowing people to submit an application if they have successfully completed treatment.

Jessica Meza asked how deferred judgements would be considered by the ARC. She also noted that convictions impact communities of color unfairly.

Philippe Marquis supported a cautious process that would allow for a path for some people to be considered.

Nancy offered two options for the Board as next steps: (1) refer this back to the ARC given the Board's comments; (2) schedule this item for a future Board meeting to continue the discussion.

Nancy asked if there was a motion to table this item.

Brandy Walega moved to table and refer the agenda item to the ARC and, upon completion, bring back to the Board for review. Tally Zuckerman seconded the motion.

Kristiana asked if there would be an opportunity for the Board to review the subsequent work by the ARC on this agenda item. Nancy responded that the Board would have that opportunity. The motion passed unanimously with thirteen votes to approve, zero votes to object, and zero votes to abstain.

	Responses	
	Percent	Count
Yes	100.00%	13
No	0.00%	0
Abstain	0.00%	0
Totals	100%	13

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

Nancy introduced the next agenda item and indicated that the Board would be reviewing the public comments submitted to the Board for consideration. Jesse reminded the Board of the process for receiving public comments. Nancy asked if any changes based on public comment would require the Board to vote on that change. Jesse responded that changes could be made through consensus of the Board. Jesse reviewed each of the public comments. The Board adopted minor changes to Section 1.0 based on the public comments. Those changes included:

- Footnoting assessment with the statutory citation regarding the Board's authority to define offender evaluation and treatment services;
- Removing the discussion point that speaks to the juvenile guidelines;

Modifying the Title of the DVOMB Standards: (Handout)

Jesse continued with the next item and reviewed each of the public comments received concerning the title modification of the Standards. After reviewing the public comments, there was consensus by the Board to not make any further changes to the title.

Jesse noted that a discussion about the implementation of the title change and the revisions to Section 1.0 would be added to the September agenda.

Marina announced that an audience member asked if there was a possibility the Board would consider the long term use of Teletherapy following COVID-19. Jesse indicated that the Office of Domestic Violence and Sex Offender Management was gathering survey data from clients, DVOMB Approved Providers, and other stakeholders. Based on the results of the survey data and in conjunction with other research and information collected, there is a possibility that Teletherapy may be used post-COVID so long as it can be done safely. Once that information is available, there would be a follow-up conversation by the Board for consideration.

Adjourn

The meeting adjourned at 11:53AM.

Respectfully submitted by,

Jesse Hansen

Individual Voting Results

Active Participants	Total Participants		
13	13		
Last Name	First Name	Motion 1	Motion 2
Walega	Brandy	1	1
List	Jackie	1	1
Barich	Jeanette	1	1
Morgen	Jenifer	3	1
Parker	Jennifer	1	1
Morgenthaler	Karen	1	1
Huitrón	Kristiana	1	1
Laura	Bravo	1	1
Hunter	Michelle	1	1
Olson	Nancy	1	1
Campanella	Sandra	3	1
Fritts	Stephanie	3	1
Zuckerman	Tally	1	1

Voting Legend
 1 = Yes
 2 = No
 3 = Abstain
 NP = Not Present At the Time of Vote

Motion 1: Brandy Walega moved to approve the July minutes as amended. Jackie List, seconded the motion.

Motion 2: Brandy Walega moved to table and refer the agenda item to the ARC and upon completion, bring back to the Board for review. Tally Zuckerman seconded the motion.

APPROVED

