

# COLORADO DOMESTIC VIOLENCE OFFENDER MANAGEMENT BOARD

## MEETING MINUTES

April 8, 2022

### Attendance:

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

Andrea Bradbury, Bradly Burbach, Jackie List, Jennifer Parker, Jessica Fann, Karen Morgenthaler, Kristiana Huitrón, Michelle Hunter, Nil Buckley, Raechel Alderete, Russha Knauer (proxy for Lori Griffith), Sandra Campanella, Stephanie Fritts, Tally Zuckerman, Tracey Martinez

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

Erin Gazelka, Jeanette Barich Lori Griffith, Nicole Collins

#### **Staff Present:**

Caroleena Frane, Chris Lobanov-Rostovsky, Erin Austin, Jess McBrayer, Jesse Hansen, Rachael Collie, Yuanting Zhang,

#### **Guests:**

Amanda Albo, Casey Ballinger, Gail Prim, Jennifer Ely, Kaye Knaub, Kim Riley, Margo Hlavaty, Patricia Maradiegue, Philippe Marquis, Sharon Griffin, Wendy Biesemeier

### **Introductions**

The meeting convened online at 9:04AM. Stephanie Fritts (Chair) introduced herself as the Chair and welcome the Board and guests. Jesse indicated to Stephanie that a quorum was present.

Stephanie asked if there was consensus to approve the April agenda.

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

Next, the Board reviewed the March minutes. Stephanie asked if there was a motion.

**Raechel Alderete moved to approve the March minutes. Sandra Campanella seconded the motion.**

There was no discussion on the March minutes. Stephanie asked Rachael Collie to prepare the vote. Erin reminded public members that only Board members should vote.

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

Responses		
	Percent	Count
Yes	86.7%	13
No	0.00%	0
Abstain	13.3%	2
<b>Totals</b>	<b>100%</b>	<b>15</b>

## Announcements:

- Staff Announcements:
  - Jesse Hansen Announced:
    - Sunset Updates:
      - The Domestic Violence Offender Management Board (DVOMB) sunset bill was brought forward to the House Judiciary Committee, and the DVOMB staff and affiliated stakeholders attended. The Committee passed the reauthorization for 5 years through 2027.
      - The bill includes a few new provisions to:
        - Conduct standards compliance reviews on 10 percent of approved providers every 2 years
        - Create an annual legislative report on three key metrics:
          - How many offenders completed treatment?
          - How many offenders were discharged from treatment?
          - How many offenders have reoffended and were unsuccessfully discharged?
        - Update the statutory language to modernize the background checks and fingerprint process to comport more with the electronic process that is now being utilized by Colorado Bureau of Investigations (CBI).
      - Since the amendment passed, staff worked with our legislative liaison to make minor adjustments and it is in process and being referred to appropriations. Staff has fiscal noted the changes in the proposed bill requesting for one full-time employee (FTE) to do the standards compliance reviews and another 0.3 FTE to write the annual legislative report.
    - Michelle Hunter has been reappointed for another term as the Department of Corrections (DOC) representative on the Board beginning the first of April 2022.
    - DVOMB meetings will return to in-person at 710 Kipling in May 2022.
    - Taylor Redding will be the new Training & Special Project Coordinator. She is starting April 25, 2022.
    - Domestic Violence & Sex Offender Management Board (DVSOMB) Conference Updates
      - Registration will be opening in a couple of weeks toward the end of April.
      - Registration for Board members is free.
      - There will be a combined DVOMB and SOMB meeting at the conference on Wednesday July 13, 2022.
      - Over 60 hours of CEU's available.
      - Those who register will have access to all of the sessions virtually for 90 days.
      - Keynote Speakers include:
        - Dr. Carolyn West – Battered, Black and Blue: Gendered Violence in the African American Community
        - Craig Zablocki – The Intelligence of Fun
        - Dr. Alissa Ackerman – From Participant to Practitioner: A Restorative Justice Journey
    - Training Events:
      - 2022 Training Calendar

- April Lunch & Learn
  - "Incel" Subculture - Preventing Targeted Violence
- DV101 – 4/25/2022
- DV102 – 5/24/2022
- DV103 – 6/20/2022
- [Training, Resources, Templates & Tips | Division of Criminal Justice \(colorado.gov\)](#)
- Carolina Frane announced that the Application Review Committee (ARC) had a heavy agenda on April 7<sup>th</sup>, 2022. She gave her appreciation to the ARC members because the ARC voted on a total of 20 items.

### **Board Announcements**

There were no Board announcements.

### **Public Announcements**

There were no public announcements.

### **Future Agenda Items**

There were no future agenda items.

### **White Paper: Domestic Violence Civil Cases without Criminal Findings: (Handout)**

This item was brought before the Board in May of 2021 and the workgroup sought guidance from the Board about if and how issues regarding individuals being referred by a civil court to undergo a violence offender evaluation without the crime of domestic violence having been found. Although the Board has no purview on this matter, there was consensus by the Board for the workgroup to generate a white paper that discusses how these cases are impacting Providers and any recommendations.

Jesse Hansen, Jennifer Ely, and Jessica Fann presented the drafted white paper and provided an overview of the workgroup's process and findings. They announced the goals of the white paper and then discussed the issues and the corresponding recommendations.

Areas of concern:

1. Accountability
2. Case Management Support Systems
3. Offender Evaluations
4. Civil protection order and domestic relations courts
5. Court Oversight for Engagement in Offender Treatment
6. Funding for services
7. Liability and Complaints
8. Treatment Victim Advocacy

Addressing the Concerns:

1. Broaden the purview of the DVOMB to include civil domestic violence cases

2. Update the Best Interest of the Child Standard to align with requirements to use a DVOMB Approve Provider and ensure compliance
3. Enhance and strengthen civil protection order statutes
4. Direct the Colorado Department of Human Services to promulgate policy and procedural changes needed sustain ongoing cases coordination with offender treatment
5. Caseworker involvement in promoting accountability and engagement in treatment within Child Protection

Due to the lack of statutory purview, the DVOMB cannot direct Providers as to whether or not and to what extent the DVOMB Standards and Guidelines should be applied to offenders referred through civil court orders. Providers have the training and expertise to address domestic violence whether the referral originates from a criminal or a civil context.

The DVOMB is uniquely positioned to provide structure and support that enables Providers to accept offenders referred from civil cases and for TVAs to participate in these matters. Without said support, there is a large gap in services leaving systems unable to provide for families impacted by domestic violence. Because civil legal systems are ill equipped to support and prioritize victim and child safety, these issues are sometimes overlooked, and the current system is often misused to the detriment of the victim and their children.

#### Discussion:

- That this white paper is based on systems officials knowing that there is domestic violence present and there is just a civil remedy that may or may not work. This is a lot of effort into how to remedy this through a civil system without criminal accountability for criminal behavior.
- Not all domestic violence is a criminal act. Additionally, many survivors do not want the criminal legal system involved and choose the civil system intentionally.
- There is a lack of collateral information in civil cases that make this challenging to do the evaluations.
- A Board member indicated that the language used in the Standards can be a barrier because it refers to individuals as offenders and is written within the context of the criminal legal system. Clients refuse to sign documents that have such language. There was a request to see more about what is expected for this treatment, and how do Providers hold these clients to the same standard within the DVOMB Standards?
  - The workgroup felt compelled to start with the white paper to identify the policy issues before going down the pathway of drafting guidelines around direct services.
- A Board member indicated that the DVOMB does not have purview over civil cases and the DVOMB should not have purview over such cases. People who are charged with crimes have constitutional rights and that includes proof beyond reasonable doubt and that includes a presumption of innocence. When proof beyond reasonable doubt has been met and the presumption of innocence has been overcome, then the individuals should be subjected to what has been court ordered. It was suggested another review of the White Paper was needed in order to think about the constitutional pieces to this.
- A Board member mentioned that they have been writing civil evaluations for several years, and in doing so have encountered many challenges. This white paper is going to be very useful and impact positive change.

- Another Board member thanked the working group for drafting this white paper.

Next Steps

There were mixed opinions about the recommendations included in the report. Staff indicated that Board members should contemplate the language and recommendations included in the white paper in preparation for the May Board meeting. Modifications to the language or other feedback can be shared at the May meeting.

**Revision to Section 9.0 and Teletherapy Listing Status: (Handout)**

Caroleena Frane and Karen Morgenthaler presented an additional change to the proposed changes to Section 9.0. The subworking group of the ARC proposed a minimum of 500 face-to-face client contact hours working with domestic violence offenders as the requirement for Entry Level Providers to move-up to Full-Operating Level.

**Raechel Alderete moved to approve Section 9.0. Karen Morgenthaler seconded the motion.**

There was no discussion on Section 9.0. Stephanie asked Rachael Collie to prepare the vote. Erin reminded public members that only Board members should vote.

The motion passed with thirteen votes to approve, zero votes to object, and one vote to abstain.

Responses		
	Percent	Count
Yes	92%	12
No	0.00%	0
Abstain	8%	1
<b>Totals</b>	<b>100%</b>	<b>13</b>

Next Steps:

The changes to Section 9.0 are effective immediately and applicants may apply using either the former Section 9.0 or these ratified changes through September 30, 2022. After September 30, 2022, the former Section 9.0 Standards will expire.

[Staff Note: This guidance was incorrect. The approved revisions first needed to go through a public comment period before they can be implemented.]

**There is consensus on the implementation of Section 9.0.**

**The Blue Bench: How to Post-Sentence Victims Advocacy Words in Sex Offense Specific Cases: (Handout)**

Casey Ballinger, MSW with the Blue Bench conducted a training to the Board and guests for a lunch and learn.

## **DVOMB Appeal Process: Review and Refresher: (Handout)**

Jesse Hansen reviewed the DVOMB Administrative Policies regarding the appeal process.

### **Adjourn**

The meeting adjourned at 11:29 AM

Respectfully submitted by,

Adrienne Corday

Active Participants	Total Participants		
13	15		
Last Name	First Name	Motion 1	Motion 2
Bradbury	Andrea	1	1
Burback	Bradley	1	1
Gazelka	Erin	NP	NP
List	Jackie	1	NP
Barich	Jeanette	NP	NP
Parker	Jennifer	1	NP
Fann	Jessica	3	1
Morgenthaler	Karen	1	1
Huitrón	Kristiana	1	1
Knauer	Russha	3	3
Tracey	Martinez	1	1
Hunter	Michelle	1	1
Collins	Nicole	NP	NP
Buckley	Nil	1	1
Alderete	Raechel	1	1
Campanella	Sandra	1	1
Fritts	Stephanie	1	1
Zuckerman	Tally	1	1

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

Motion 1: Raechel Alderete moved to approve the March minutes. Sandra Campanella seconded the motion.

Motion 2: Raechel Alderete moved to approve Section 9.0. Karen Morgenthaler seconded the motion.