

COLORADO DOMESTIC VIOLENCE OFFENDER MANAGEMENT BOARD

MEETING MINUTES

May 13, 2022

Attendance:

Domestic Violence Board Members Present:

Andrea Bradbury, Jeanette Barich, Jessica Fann, Karen Morgenthaler, Lori Griffith, Michelle Hunter, Nicole Collins, Nil Buckley, Raechel Alderete, Tally Zuckerman, Tracey Martinez

Domestic Violence Board Members Absent:

Bradley Burbach, Erin Gazelka, Jackie List, Jennifer Parker, Kristiana Huitrón, Sandra Campanella, Stephanie Fritts

Staff Present:

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

Guests:

Amanda Albo, Danielle Lewis, Gail Prim, Philippe Marquis, Rachel Griswold, Russha Knauer, Samantha Cabrera

Introductions

The meeting convened online at 9:08AM. Michelle Hunter (Vice Chair) introduced herself as the Vice Chair and welcome the Board and guests. Board members, staff, and guests gave introductions. Jesse indicated to Michelle that a quorum was present. Erin Austin announced a few housekeeping items for Board members and guests.

Michelle asked if there was consensus to approve the May agenda.

There was consensus to approve May agenda.

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

Tracy Martinez moved to approve the April minutes. Raechel Alderete seconded the motion.

There was no discussion on the April minutes. Michelle asked Jesse to prepare the vote. Jesse provided instruction on the new method for casting votes by Board members.

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

	Responses	
	Percent	Count
Yes	72.7%	8
No	0.0%	0
Abstain	27.3%	3
Totals	100%	11

Announcements:

- Staff Announcements:
 - Jesse Hansen Announced:
 - Sunset Updates: The Domestic Violence Offender Management Board (DVOMB) Sunset Review has gone smoothly. The reauthorization bill 2022-1210 has been passed by the House and the Senate, and we are now waiting on the governor's signature.
 - Summary of the changes:
 - Authorizes the Board to continue operating another five years until 2027.
 - Updates language to reflect the current process and utilization of the external vendors to facilitate the background checks and fingerprint process required by statute through the Colorado Bureau of Investigation (CBI).
 - Requires the Board to conduct Standard Compliance Reviews on 10 percent of the total Approved Provider population every two years beginning on July 1st, 2023.
 - Requires the DVOMB to start collecting client data no later than January 1, 2023.
 - Requires that on or before January 31, 2023, the Board annually will present a legislative report presenting to the joint Judiciary Committee on the annual legislative report.
 - The June DVOMB meeting is canceled.
 - Michelle Hunter has been reappointed for a second term.
 - Taylor Redding Announced:
 - Training Events:
 - 2022 Training Calendar
 - DVI01 – 5/20/2022
 - DVI02 – 5/24/2022
 - Lunch & Learn – 6/1/2022
 - DVI03 – 6/20/2022
 - [Training, Resources, Templates & Tips | Division of Criminal Justice \(colorado.gov\)](#)
 - Conference Updates
 - Registration
 - Number of registrants: 196
 - Early Bird Deadline: May 30, 2022
 - Award Nominations
 - Gary Burgin Sex Offender Management or Treatment Leadership Award
 - Senator Norma Anderson Excellence in Victim Advocacy Award
 - Denise Fransua Domestic Violence Offender Management Leadership Award
 - Scholarships
 - Deadline for requesting a scholarship is June 1, 2022
 - Vendors tables are available. Sponsorship opportunities can be emailed to Jesse Hansen.

- Board member lodging is covered for Tuesday night. Board members will need to contact Beaver Run directly to their lodging.
- Carolina Frane announced:
 - The Application Review Committee (ARC) is requesting that the Teletherapy Pilot Project be closed and removed from the ARC charter. There was consensus for the Teletherapy Pilot Project to be removed from the ARC charter.
 - Carolina and Karen Morgenthaler conducted a training for Probation in Colorado Springs that went well.

Board Announcements

Raechel Alderete announced that May is Mental Health Awareness Month. She advocated for individuals to take care of themselves.

Public Announcements

There were no public announcements.

Future Agenda Items

There were no future agenda items

Revisions to Section 9.0 & Teletherapy Listings Status: (Handout)

Carolina provided background information and reviewed the public comments submitted by May 5th, 2022. There was only one public comment received. She and Karen asked if the Board would like to make any changes to Section 9.0 based upon the public comment.

There was consensus within the Board to approve the revisions to Section 9.0 regarding Provider Qualifications.

White Paper - Domestic Violence Civil Cases Without Criminal Findings (Handout)

Jesse Hansen and Jessica Fann reminded the Board about the discussion at the April Board meeting regarding the white paper. This agenda item is specific to cases whereby someone is being referred to undergo a domestic violence offender evaluation and treatment without the crime of domestic violence having been found by a criminal court.

Discussion:

- Tally expressed concerns with the recommendations included in the white paper. She implored the Board to be thoughtful on how this impacts people. She expressed a concern that the recommendations violate rights protected by the constitution. She suggested the Board stay within its purview.
- Jessica indicated that her experience with the Department of Human Services (DHS) was that cases of domestic violence exist and are already being referred to DVOMB Approved Providers. She asked for clarification from Tally on how does the recommendations in the white paper violate constitutional rights? She indicated that there is a need from DHS to refer someone who is engaging in abusive behaviors to services that can be provided by a trained professional. Jessica asked if DVOMB Approved Providers are not the individuals whom should be referred for civil cases despite their training and competencies, then who should be making treatment recommendations regarding issues of domestic violence. She clarified that this was not to determine guilt or innocence, but to determine if someone is appropriate for domestic violence offender treatment based on an evaluation.

- Tally indicated that her concerns centered on constitutional issues of due process regarding self-incrimination from a civil case based on an accusation. She indicated that mandating people to undergo treatment who have not been convicted is a slippery slope and difficult. Tally suggested that perhaps a different Board be the one to oversee this and not the DVOMB.
- Jessica clarified that the court order for a domestic relations case or a child welfare case requires an evaluation and the evaluation determines what treatment, if any, is necessary and appropriate. She indicated that DVOMB Approved Providers are already receiving these cases and working with clients referred from a civil court without an admission of guilt.
- Raechel stated that the issue of purview does not preclude a professional from matching a client's need with a service that can be provided. For example, someone may not be ordered to substance abuse treatment pursuant to the court order. However, if substance use issues, mental health issues or offense-specific issues are identified by a professional, then that can be part of the process to treat that person.
- Nil described her experience working with civil cases and expressed support for the White Paper. She indicated that assessing for risk is not a function of the criminal justice system. Nil did express that the one limitation to this paper is that there is a shortage of Approved Providers and expanding the purview of the Board would require more Approved Providers to meet this need.
- Jessica indicated that if the DVOMB were to accept purview of civil cases, steps would need to be taken to address implementation issues. She thought the White Paper was the starting point to that process.
- Jesse noted that the White Paper was created as a means to identify the current challenges observed by DVOMB Approved Providers who fall within the Board's purview. DVOMB Approved Providers are being referred civil cases by virtue of their credential through the DVOMB. He clarified that the recommendations were made to identify solutions, but do not assume the Board has purview over these cases. The determination of purview would require a legislative change.
- Jeanette indicated that the White Paper does not provide guidance or specify how DVOMB Approved Providers should approach these cases relative to the Standards. She also thought that the White Paper did not sufficiently address issues between domestic relations and child welfare.
- Jesse responded that the Civil Workgroup chose to first start with a White Paper to prioritize the policy issues first before drafting any guidelines or best practices for DVOMB Approved Providers. Jesse indicated that could be a part two pending the outcome of the White Paper.
- Nicole advised that she did not agree with the White Paper and that the Board is titled the "Domestic Violence Offender Management Board" in the Division of Criminal Justice. She said that the Board has a responsibility that the Board should focus on offenders in the criminal justice system and not all things domestic violence related. She stated that she is seeing a trend of more and more white papers that go beyond the purview of the Board.
- Staff recommended adding a note on page nine that spoke to Tally's concern about self-incrimination.
- A public comment was made restating that DVOMB Approved Providers are already being used for these services and some are approaching these cases with the DVOMB Standards as a best practice guideline.

Raechel Alderete moved to approve the White Paper as amended, Jessica Fann seconded the motion. The motion passed with seven votes to approve, four votes to object, and zero votes to abstain.

		Responses	
		Percent	Count
Yes		63.6%	7
No		0.0%	4
Abstain		36.4%	0
Totals		100%	11

Lunch & Learn: DVOMB Annual Board Training Per HB18-1198: (Handout)

Danielle Lewis, from the Office of the Attorney General, conducted an annual training on the requirements of the Board pursuant to HB18-1198 regarding the Bylaws, conflicts of interest, and open meeting requirements.

Data Collection per C.R.S. 16-11.8-103(4)(a)(IV): (Handout)

Jesse Hansen and Rachael Collie presented on the current data collection efforts and the impact of HB2022-1210. This presentation included a road map for meeting the statutory requirements concerning client level data collection.

Adjourn

The meeting adjourned at 12:13AM

Respectfully submitted by,

Adrienne Corday

APPROVED



Individual Voting Results

Active Participants	Total Participants		
II	II		
Last Name	First Name	Motion 1	Motion 2
Bradbury	Andrea	1	1
Burback	Bradley	NP	NP
Gazelka	Erin	NP	NP
List	Jackie	NP	NP
Barich	Jeanette	3	2
Parker	Jennifer	NP	NP
Fann	Jessica	1	1
Morgenthaler	Karen	1	1
Huítrón	Kristiana	NP	NP
Griffith	Lori	3	2
Tracey	Martinez	1	1
Hunter	Michelle	1	1
Collins	Nicole	3	2
Buckley	Nil	1	1
Alderate	Raechel	1	1
Campanella	Sandra	NP	NP
Fritts	Stephanie	NP	NP
Zuckerman	Tally	1	2

Voting Legend

1 = Yes

2 = No

3 = Abstain

NP = Not Present at the Time of Vote

Motion 1: Tracy Martinez moved to approve the April minutes. Raechel Alderete seconded the motion.

Motion 2: Raechel Alderete moved to approve the White Paper as amended, Jessica Fann seconded the motion.