

# SEX OFFENDER MANAGEMENT SOMB MINUTES

Friday, February 19, 2016

## **SOMB Members**

Allison Boyd  
Amy Fitch  
Angel Weant  
Brie Akins  
Carl Blake  
Jeff Geist  
Jeff Jenks  
Jeff Shay  
Jessica Curtis  
Jessica Meza  
Kandy Moore  
Kim English  
Marcelo Kopcow  
Merve Davies  
Mimi Scheuermann  
Missy Gursky  
Rick May  
Tom Leversee

## **Visitors**

Debbie Baty  
Korey Elger  
Taralyn Clark  
Valerie Estrada  
Laurie Kepros  
Roger Kincade  
Dena McClung  
Colton McNutt  
Susan Morris  
Steve Parker  
Bobbie Ponis  
Janie Prewitt  
Adam Rosenfeldt  
Carolyn Turner  
Matt Cooper  
Jo Stack  
Ann Southam  
Susan Walker  
Dean Berry  
Tom Casey  
Jen Leonard  
Pat Harris  
Chris Renda PhD.  
Kevin Ponis  
Yvonne Parietti  
Karmen Carter

**Absent SOMB Members** Alli Watt, Bill Hildenbrand, John Odenheimer, Mary Baydarian, Nancy Jackson, Pam Bricker and Richard Bednarski

## **Staff**

Chris Lobanov-Rostovsky  
Marina Borysov

Raechel Alderete  
Jesse Hansen

Michelle Geng  
Jill Trowbridge

**9:06 am**

## **SOMB Meeting Begins:**

**Introductions:** Mimi Scheuermann introduced Korey Elger as her replacement to the Sex Offender Management SOMB (SOMB).

**Future Agenda Items:**

Angel Weant mentioned that she would like to discuss an issue in which evaluators are including recommendations of young adult and low-risk protocols in the evaluation process. Judicial officers are ordering these recommendations as part of the sentencing terms and conditions while not fully understanding these protocols. The CST's (Community Supervision Teams) are finding this a problem.

Jessica Meza brought to the SOMB's attention that evaluators need to consider cultural diversity in their evaluations.

Jo Stack suggested a "disclaimer" be created on the SVP Sexually Violent Predator (SVP) bulletin – developmentally disables individuals.

Jeff Geist mentioned that this could be discussed in the SVP Assessment Committee and is under review.

### **Announcements:**

Brie Akins and Allison Boyd brought to the SOMB's attention that the Colorado Coalition Against Sexual Assault (CCASA) is applying for a grant to run a pilot program for victim representation on CSTs and Multidisciplinary Teams (MDTs).

Brie Akins announced that the annual Sexual Assault Awareness Month kickoff at the State Capitol is scheduled for Tuesday, April 5<sup>th</sup> during the lunch hour.

Judge Kopcow discussed a lawsuit that was filed against Englewood regarding residence restrictions for registered sexual offenders. He described an offender could not live in Englewood due to a residence restriction ordinance. Judge Jackson ruled against Englewood, and the city appealed the finding. The Colorado Supreme Court concluded that there is no conflict between Englewood's municipal code and State law, and the case will now be referred back to the lower court.

Chris Lobanov-Rostovsky attended a meeting of County Commissioners from around the State who were very concerned about this ruling, and provided to the commissioners some of the SOMB research and literature to help them with the process.

Laurie Kepros stated that Judge Jackson only granted relief on the preemption ground and did not rule on a number of constitutional challenges that could also go back to the Federal District Court. Laurie also mentioned the Colorado Criminal Defense Institute is continuing to hold "free legal clinics" for individuals petitioning for relief from the registry or seeking to have criminal convictions sealed or expunged. The next clinic will be held Tuesday, February 27<sup>th</sup> from 10:00 am – 2:00 pm at the Denver Public Defenders office. No registration is necessary. There will be future clinics in Sterling, Steamboat Springs, Denver and Aurora.

Chris Lobanov-Rostovsky reminded the audience that next month, the SOMB will hold an open forum for stakeholder input.

Jeff Geist mentioned that the Bylaws have been revised and will be sent out for review and approval at the March SOMB meeting.

Raechel Alderete announced the upcoming training classes of "Introduction to Standards" (both Juvenile and Adult – separate classes) in Ft. Collins on March 7<sup>th</sup>. On March 8<sup>th</sup> there will be a "Booster" to the Standards training also in Ft. Collins that combines both the Juvenile and Adult Standards.

February 29<sup>th</sup> is the deadline for presentation proposals for the 10<sup>th</sup> annual SOMB Conference.

Allison Boyd mentioned an upcoming 2-hour Victim Representation on Supervision Teams training on February 26<sup>th</sup> at the District Attorney's office in Jefferson County.

**Approval of January Minutes:**

**APPROVAL OF JANUARY MINUTES:** motion to approve: Jeff Shay

<b>14 Approve</b>	<b>0 Oppose</b>	<b>3 Abstain</b>	<b>Motion Passes</b>
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**Approve Agenda:** Approved by Consensus

The Executive Session and Abstention presentation that was slated for 10:45-11:00 was removed due to illness of Ingrid Barrier.

**Victim Centeredness (Presentation) – Angel Weant and Jalice Vigil-Kelly, Division of Probation Services:**

Handout provided.

Feedback was provided by attendees to the presenters for modification of their presentation in the future.

**BREAK 10:40 – 10:57**

**Adult Standards Revisions Update and Discussion (Action Item) – Jeff Geist, Missy Gursky, and Jesse Hansen:**

Handout provided:

Jeff Geist gave a brief background of how the Treatment, Engagement, Assessment, Management and Supervision Model (TEAMS Model) came about.

There was SOMB consensus to move forward with this model at the Adult Standards Revisions Committee.

Missy Gursky gave an update to the Section 2.0000 and 3.0000 revisions status.

Jeff Geist updated on the Section 5.000 revisions status and how the TEAMS model will affect this section of the Standards.

Carl Blake stated that the Juvenile Standards Revision Committee is revising Section 4.000 for both the Juvenile and Adult Standards.

**Legislative/Sunset Review Update (Presentation) – Jana Locke, Colorado Department of Public Safety:**

Handout provided.

Jana Locke announced that on Tuesday, February 23<sup>rd</sup> at 1:30, the SOMB staff will present the Legislative Report to the House Judiciary Committee and the SOMB Sunset Report will be presented by the Department of Regulatory Agencies (DORA). The House Judiciary Committee will then vote to draft a bill, and then move through the normal legislative process. There are possibly 3 judicial hearings in this process to include the House Judiciary Committee presentation on the Sunset Review, the House Judiciary Committee review of the bill itself and then the Senate Judiciary Committee review of the bill.

Tom Leversee mentioned that in the past, the Legislature has come back to the SOMB with some revisions to the Sunset Review bill draft and asked if there are any recommendations to date.

Jana Locke stated that she has not heard of any specific amendments at this point.

### **LUNCH 11:28 - 12:21**

Carl Blake suggested the SOMB change the order of the agenda to move the "Use of Teletherapy" item before the "Adult Standards" agenda item due to time constraints.

The proposed change in the Agenda was approved by general consensus.

### **Use of Teletherapy in Treatment (Action Item) – Application Review Committee 9ARC):**

Carl Blake stated that the Application Review Committee (ARC) currently does not support the use of Teletherapy for sex offense specific treatment, but there may be some special circumstances when it would make sense to use it. Carl suggested that the SOMB develop a position statement regarding when Teletherapy may or may not be used. The Domestic Violence Offender Management Board has taken a similar position.

### **Discussion/Questions:**

Tom Leversee expressed concern about the restriction on the use of Teletherapy.

Merve Davies indicated he also does not feel comfortable with the use of Teletherapy as there is no face-to-face interaction. Merve mentioned that there is no available research at this time, but that DORA has developed a protocol for this type of therapy.

Susan Walker stated the Parole Board uses video conferencing for hearings, which is not really appropriate where the nuances may be missed. She reiterated that many offenders live in rural areas where therapy is not available within a reasonable distance and feels Teletherapy could be a viable alternative.

Laurie Kepros indicated she would like the SOMB or a sub-Committee to look at this and set up some parameters. She gave specific cases where the client could not be included in traditional therapy in a practical way.

Carl Blake mentioned that if Teletherapy as a therapy alternative (with parameters) is included in the Standards for guidance, then a "variance" could be submitted for specific cases.

Jeff Geist requested the ARC draft the guidelines for Teletherapy in the Standards.

Allison Boyd is concerned that when the ARC meets they go into the Executive Session and the public is not invited. She wondered if the public could attend for the ARC portion when discussing the use of Teletherapy and then be excused during the Executive Session.

Carl Blake confirmed that the ARC could schedule a time for discussion of the use of Teletherapy in an open portion of the meeting.

**Adult Standards Guiding Principles (Decision Item) – Jeff Geist and Missy Gursky**

Guiding Principle #4 & #9 will be addressed at the end, time permitting.

**Guiding Principle #10:**

Missy Gursky gave the Adult Revisions Standards Committee update and results. The Committee agreed unanimously that this should be a stand-alone principle.

Carl Blake stated that he would like to add “outweighs any conflicting” parental or family interests.

Jessica Meza asked if this is stated in the statutes that you have to always look at family reunification without taking into consideration the victim’s perspective. Jessica stated that she feels the beginning of this principle needs to mention family reunification.

Mimi Scheuermann replied that this principle covers all involvement and not just family reunification. Mimi also indicated that there are some providers who are not always taking into consideration the victim when pursuing reunification and that this is a very relevant statement for all treatment providers.

Michelle Geng stated that this Principle guides anyone who works in the system whether working with the offender, the victim, or families, and is not just about victim reunification.

Jeff Geist stated this Principle was originally part of Guiding Principle #8 but has been given a stand-alone placement.

There were further discussions regarding the victim’s needs and supervision and reunification.

**Revised Principle to Read:**

***When the child is sexually abused within the family, the child’s individual need for safety, protection, developmental growth and the psychological well-being outweighs any conflicting parental or family interests.***

Motion to “amend” Guiding Principle #10 as shown on screen – **Angel Weant; 2<sup>nd</sup> Mimi Scheuermann**

**17 Approve                      0 Oppose                      0 Abstain                      Motion Passes**

Motion to “approve” amended Guiding Principle #10 – **Amy Fitch; 2<sup>nd</sup>**

**17 Approve                      0 Oppose                      0 Abstain                      Motion Passes**

**Guiding Principle #11** - Missy Gursky stated that the Committee unanimously agreed on the original language as a stand-alone principle.

Motion to approve Guiding Principle #11 (original language) – **Judge Kopcow**

**17 Approve                      0 Oppose                      0 Abstain                      Motion Passes**

**Guiding Principle #12** - Missy Gursky gave some background about Committee discussions with this principle. She stated the vote on this principle was 9-4.

Laurie Kepros suggested adding a sentence that includes the notion of continuity of care.

Tom Leversee agreed with the suggested wording by Laurie Kepros.

Amy Fitch does not feel the “continuity of care” wording belongs with this principle.

Missy Gursky stated that the Committee did discuss adding this additional wording, but did not feel this was the appropriate place to put it.

Allison Boyd stated that the Guiding Principle wording should be kept short, cost should not be included and to keep the wording simple.

Carl Blake compared this Guiding Principle to the Juvenile principles which have already been adopted. The Juvenile Guiding Principle did not include continuity of care.

Susan Walker stated that costs should be mentioned in the Guiding Principles.

Carl Blake suggested to add “and utilized as needed”.

**Revised Principle to read:**

***A continuum of treatment and management options for sex offenders should be available in each community in the state, and utilized as needed. Additionally, efforts should be made to maximize continuity of care whenever a client transitions from one treatment setting to another, to maximize positive treatment progress.***

Motion to amend by adding the 2<sup>nd</sup> sentence of and adding state, “and utilized as needed” – **Amy Fitch; Tom Leversee 2<sup>nd</sup>**

**16 Approve                      0 Oppose                      0 Abstain                      Motion Passes**

Motion to approve #12

**16 Approve                      0 Oppose                      0 Abstain                      Motion Passes**

**Guiding Principle #13** - Missy Gursky gave background about the Committee discussion regarding this Guiding Principle. The Committee vote was 11-2.

Kim English mentioned that all abbreviations should be spelled out in the Guiding Principle. She also pointed out that the word supervisory should be changed to supervising officers.

Jessica Meza stated that she would like clarification of the word "Prosocial" or to use alternative language.

Tom Lerversee stated that "Prosocial" is universally utilized in the field and in literature.

Laurie Kepros suggested shortening the "Prosocial" sentence after decision-making in the narrative paragraph.

Susan Walker suggested changing the word "invited" to "included" in the 2<sup>nd</sup> sentence of the narrative paragraph.

Jeff Geist suggested changing this 2<sup>nd</sup> sentence to "included in the supportive network".

There was discussion as to whether the narrative paragraph is necessary to support the Guiding Principle.

Bobbie Ponis mentioned that the Family Engagement Committee is looking at adding narrative language to Section 5.000 where it discusses the role of the family members, the role of guardians, etc. on the CST. She stated that this may be a good place for this descriptive paragraph to be included.

**Revised Principle to read:**

***Successful treatment and management of sex offenders is enhanced when the Community Supervision Team (CST) models and encourages family, friends, employers and other members of the community in pro-social support of the offender.***

**Narrative Paragraph to read:**

*Families, friends, employers and members of the community who have influence in the lives of offenders can meaningfully contribute to their successful functioning in society. Family and friends should be included in the supportive network in a manner that is sensitive to the possible negative impact of the offense on them. (Balance of original paragraph was removed.)*

Motion to amend Guiding Principle #13 – **Amy Fitch;** **Tom Lerversee** 2<sup>nd</sup>

<b>17 Approve</b>	<b>0 Oppose</b>	<b>0 Abstain</b>	<b>Motion Passes</b>
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Motion to approve as amended

<b>17 Approve</b>	<b>0 Oppose</b>	<b>0 Abstain</b>	<b>Motion Passes</b>
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**Guiding Principle #14** – Missy Gursky gave background about the Committee discussion regarding this Principle. The Committee voted 11-2 with a very spirited discussion.

Kim English mentioned a few grammatical errors to be corrected.

Mimi Scheuermann questioned whether this Principle needs to be included.

Merve Davies stated that this concept is not the norm for therapists and must be a Guiding Principle.

Carl Blake pointed out that in the Juvenile Standards Guiding Principles, this is not included. However it is in the Juvenile Standards specifying the limitations of the waiver of confidentiality.

There was much discussion revolving around the wording/meaning of this Principle as to whether this is a legal issue.

There was additional discussion regarding whether to include this as a Guiding Principle and it was decided by consensus that this needs to go back to Committee to be reworked.

Missy Gursky reiterated 3 points that need to be included are:

- protection for evaluators and treatment providers,
- protection for offenders to promote safety of the client, and
- The CST needs to have information sharing and the limits of these.

Motion to table: **Carl Blake**; 2<sup>nd</sup> **Mimi Scheuermann**

<b>16 Approve</b>	<b>0 Oppose</b>	<b>0 Abstain</b>	<b>Motion Passes</b>
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Missy Gursky reminded everyone that at the next SOMB meeting there will be a vote on Guiding Principles #15, #4, #9 and #14.

**BREAK: 2:05-2:22**

**CONTACT WITH Own Children (Burns Case) Recommendation (Action Item) – Angel Weant:**

Handout Provided.

Angel Weant gave a brief history of the Burns case and the Contact With Own Child Committee’s formation as a result of this case. This case decision states that sex offenders may have contact with their own child if there is no evidence of risk with that contact.

Chris Lobanov-Rostovsky stated that this document will help educate evaluators and Presentence Investigation (PSI) writers of the research supported risk factors to provide this information to judges. This document, outlining an offender’s risk, was requested from the prosecutors, the defense attorneys and the judges.

The intention of the discussion is to take this document back to stakeholders and supply feedback to Michelle Geng.

Susan Walker felt this document is overdone with numerous literature references.

Chris Lobanov-Rostovsky stated that the literature references in this document are provided more for the benefit of the evaluators based on viable research and that the courts will not see this particular document. The courts will see the risk factors in the evaluator’s report to the courts.

Judge Kopcow appreciates this document’s guidance as it will give judges risk information when determining a decision.

Laurie Kepros suggested modifications to the 1<sup>st</sup> sentence on page 2 to “risk or factors” that are consistently... She also suggested removing “quality” research from this same sentence.



Angel Weant stated that in the absence of information, judges are making rulings around contact with own child along with contact with other children cases without evaluators risk criteria.

Allison Boyd suggested revising bullet #4 to specify the actual relationship. She also mentioned that evaluators will not have much of the information before pre-sentencing and that evaluators should give the courts a statement regarding what information they do have.

Merve suggested that evaluators could make a disclaimer as to what information is not available when providing their evaluation to the judge.

Missy Gursky mentioned three areas that she would like removed and/or amended on this document.

Judge Kopcow felt that this document should also be given to the Parole SOMB as they will eventually be making the decision as to contact with own child.

Laurie Kepros stated that there is a different body of law for offenders in prison vs. offenders on parole.

The Deadline is March 4th for suggestions, revisions and changes. Please send revisions and suggestions to Michelle Geng.

#### **Petition for Removal from Registration (Action Item) – Missy Gursky:**

Missy Gursky stated that the issue is that adult offenders have been on the registration for 10 years or more and have successfully completed treatment and are now petitioning the court to be removed from the Sex Offender Registry. The courts are now asking the treatment providers to make a recommendation to remove from the registry. However, the treatment providers have not seen the offender.

Laurie Kepros indicated that this has been discussed in the past in the Continuity of Care Committee and that a form was created for this purpose.

Missy Gursky mentioned that the courts are asking evaluators for a current recommendation for offenders that they have not seen in 10 years.

Missy Gursky stated that the judges want more than the "discharge summary" and that they need a recommendation to remove the offender from the registry.

Angel Weant expressed the need for research information to be provided to the judges as the longer an individual stays offense free in the community, the less likely they will re-offend sexually.

Chris Lobanov-Rostovsky stated that there is no statutory requirement for recommendations for removal from the Registry. The courts need as much information as possible to make a decision when the offender petitions the court for removal. The discharge summary needs to be filed so the courts can make an informed decision.

Judge Kopcow also stated to file the discharge summary form that will assist the court in making the decision.

It was suggest that Angel Weant and Judge Kopcow conduct a training at the next Judicial Conference or send a letter explaining the forms to the Judges reminding them that the petitioners are not known ten years later.

**MEETING ADJOURNED: 3:08**

Turning Participant Results

Session Name: New Session 2-19-2016 3-08 PM  
 Created: 2/22/2016 11:08 AM

Device ID	Remote No.	First Name	Last Name	1) Motion to Amend GP #10	2) Motion to Approve GP # 10 as amended	3) Motion to approve GP # 11	4) Motion to amend GP #12	5) Motion to approve GP#12 as amended	6) Motion to amend GP#13	7) Motion to approve GP#13 as amended	8) Motion to table GP 14
2B201	1	Pam	Bricker	-	-	-	-	-	-	-	-
2B212	2	Mary	Baydarian	-	-	-	-	-	-	-	-
2B213	3	Richard	Bednarski	-	-	-	-	-	-	-	-
2B216	4	Carl	Blake III	1	1	1	1	1	1	1	1
2B226	5	Allison	Boyd	1	1	1	1	1	1	1	1
2B22D	6	Jessica	Curtis	1	1	1	1	1	1	1	1
2B237	7	Merve	Davies	1	1	1	1	1	1	1	1
2B23B	8	Kim	English	1	1	1	1	1	1	1	1
2B246	9	Amy	Fitch	1	1	1	1	1	1	1	1
2B25B	10	Jeff	Geist	-	-	-	-	-	-	-	-
2B261	11	Missy	Gursky	1	1	1	1	1	1	1	1
5EE64	12	Rick	May	1	1	1	-	-	1	1	1
2B26A	13	Bill	Hildenbrand	-	-	-	-	-	-	-	-
2B26E	14	Nancy	Jackson	-	-	-	-	-	-	-	-
2B281	15	Jeff	Jenks	1	1	1	1	1	1	1	1
2B291	16	Marcelo	Kopcow	1	1	1	1	1	1	1	1
2B295	17	Allison	Watt	-	-	-	-	-	-	-	-
2B2A8	18	Tom	Leversee	1	1	1	1	1	1	1	1
2B2D6	19	Jessica	Meza	1	1	1	1	1	1	1	1
2B2F5	20	Kandy	Moore	1	1	1	1	1	1	1	1
2B2FF	21	John	Odenheimer	-	-	-	-	-	-	-	-
2B302	22	Mimi	Scheuermann	1	1	1	1	1	1	1	1
2B32A	23	Jeff	Shay	1	1	1	1	1	1	1	1
2B32C	24	Angel	Weant	1	1	1	1	1	1	1	1
2B32F	25	Brie	Akins	1	1	1	1	1	1	1	-